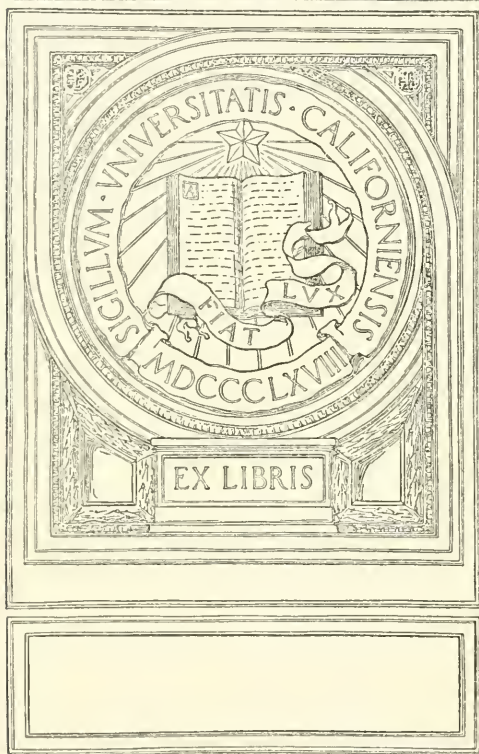


EDWARD MOUNTAGU  
1<sup>ST</sup> EARL OF SANDWICH



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THE LIFE OF EDWARD MOUNTAGU, K.G.,  
FIRST EARL OF SANDWICH







*Edward, first Earl of Sandwich  
from a portrait by Sir Peter Lely*



THE LIFE OF  
EDWARD MOUNTAGU, K.G.  
FIRST EARL OF SANDWICH  
(1625—1672)

BY F. R. HARRIS  
NEW COLLEGE, OXFORD

WITH PORTRAITS AND ILLUSTRATIONS

IN TWO VOLUMES  
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ANNOCLIAO TO VIRU  
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## LIST OF ILLUSTRATIONS TO VOL. II.

- EDWARD MOUNTAGU, K.G., FIRST EARL OF SAND-  
WICH - - - - - *Frontispiece*  
By Sir Peter Lely. This portrait has been engraved by James Thomson and other engravers, but has not previously been photographed for publication.
- CHARLES II., KING OF SPAIN - - - *to face p.* 36  
By Sebastian Herrera, a pupil of Velasquez. This and the portrait succeeding were presented to Lord Sandwich by the Queen Regent (see p. 150).
- MARIA ANNA, QUEEN REGENT OF SPAIN - *to face p.* 64  
By Sebastian Herrera.
- EDWARD, EARL OF SANDWICH, AND JEMIMA, COUNTESS OF  
SANDWICH - - - - - *to face p.* 90  
By Samuel Cooper. These miniatures are framed with the ribbon of the Garter, and a beautiful compass found on Lord Sandwich's body.
- EDWARD, EARL OF SANDWICH - - - *to face p.* 142  
By Feliciano (see p. 141). So far no information about the painter has been forthcoming.
- JEMIMA, COUNTESS OF SANDWICH - - - *to face p.* 162  
By Adrian Hanneman. This portrait was probably painted during a visit to England, as Hanneman's residence here was at an earlier date (see the *Dictionary of National Biography*).
- EDWARD, VISCOUNT HINCHINGBROOKE, SECOND EARL OF  
SANDWICH - - - - - *to face p.* 174  
By Sir Peter Lely. A fine duplicate of this portrait, with a slight difference in the drapery, is in the possession of Mr. J. Horace Round.

ANNE, LADY HINCHINGBROOKE - - - *to face p. 180*

After Sir Peter Lely. The Director of the National Portrait Gallery ascribes this picture to Lely's studio, though not to Lely's hand.

THE HON. SYDNEY MOUNTAGU - - - *to face p. 234*

In the Hinchingsbrooke Catalogue this portrait is attributed to Lely. A more probable attribution is to Michael Wright. Another expert suggests Sir John Baptist Medina, "the Kneller of the North."

THE BATTLE OF SOLEBAY, MAY 28, 1672 - *to face p. 276*

By Willem Van de Velde. Sandwich's flagship is shown here at the moment of her destruction by a Dutch fireship. The picture was probably painted for the family after the battle. It passed into the hands of a Captain Smith, who received his first commission from John, fourth Earl of Sandwich. Smith intended to leave the picture to the Hinchingsbrooke Collection, but, out of gratitude to the family, he presented it in 1838 to John William, the seventh Earl.

# THE LIFE OF THE FIRST EARL OF SANDWICH

## CHAPTER IX

### THE PRIZE-GOODS

“This self-same instant Month, and the third day,  
False-hearted Holland, England took away,  
Eight ships, Two Hundred Guns ; since many more,  
And Fourteen Hundred Prisoners brought to shore ;  
Rejoyce, O England, Dance for Joy and Sing,  
That’s an ill Wind which none doth profit bring.”<sup>1</sup>

THE return of Sandwich with his great capture was well received. The Duke of York wrote to Arlington that there was general rejoicing over the victory; what was done was much beyond expectation, the fleet being so slenderly victualled.<sup>2</sup> But the prizes thus taken did Sandwich an infinite amount of harm. Among the captured vessels were two great East Indiamen, the *Phœnix* and the *Slothony*. They were laden with cargoes such as roused the envy of many a marauder. The ships were crammed with silks and spices and the spoils of the Far East, a large proportion of the supply of Central Europe. In the ordinary course of commerce these goods were sent by road

<sup>1</sup> *The Dutch Storm ; or, It’s an ill wind that blows nobody profit. Being a perfect relation of eighteen ships, great and small, taken from the Hogen Mogen Stats Van Hollandt, September 3, 1665, by the truly valiant Earl of Sandwich* (Brit. Mus. : Luttrell Collection, vol. iii., f. 87).

<sup>2</sup> *Cal. S. P., Dom.*, September 18.

and river to Vienna, to Prague, to Dresden, even as far as Rome and Moscow. The pepper and cloves, cinnamon, mace and nutmegs, enabled food to be stored for the winter, and provided variety for a monotonous diet. In England such spices were used in every still-room, seasoned the game-pies, and flavoured the mulled claret and the spiced ale. What a prospect of delight they threw out to a man like Pepys! When he saw the cargoes he was amazed. He relates in a few clear strokes the story of his visit to the vessels, with the Commissioners.

They "there did show me the greatest wealth lie in confusion that a man can see in the world. Pepper scattered through every chink, you trod upon it; and in cloves and nutmegs I walked above the knees, whole rooms full. And silks in bales, and boxes of copper-plate, one of which I saw opened."<sup>1</sup>

The value of this splendid haul was considerable. The cargo of the thirteen ships cost nearly half a million sterling, reckoned in the money of that day. Translated into our currency, the estimate would run into millions. Pepys, who in the light of events had every reason to underrate the worth of the goods, wrote to Sandwich as follows:

"I have made enquiry what the value of the ships is reckoned to have been in India, and doe finde (and by such authority as your Lordship if necessary may make use of it) that the Cargoes of all the 13 ships cost not above £350,000 at most under £400,000."<sup>2</sup>

The right course to adopt with these prizes was laid down by regulation. The holds should have been spiked up, and the ships delivered to a set of officials who guarded the goods, arranged for their sale to

<sup>1</sup> Pepys's *Diary*, November 16, 1665.

<sup>2</sup> *Sandwich MSS. : Letters from Ministers*, vol. i., f. 77.



merchants, and transmitted the money to the Treasury. But in all cases there was room for uncertainty, since custom, reinforced by a royal order, had given to the seamen all merchandise which lay between decks. Never was a prize taken but there was a scuffle among the sailors, and a general scramble for the goods.

This Elizabethan right of the seamen was not shared by the commanders,<sup>1</sup> and their envy was roused by the sight of the sailors helping themselves. Why, indeed, should the men go off with a little fortune, while the masters awaited all the formalities of commissioners and proportions? It appears that a proper observance of these forms was at first intended, since Sandwich issued instructions for Sir John Harman to "deliver the prizes to the Commissioners, either at Harwich or Ipswich."<sup>2</sup> Suddenly this plan was changed, and it was decided to take the whole of the vessels to the Nore. During their journey it appears that someone beguiled Sandwich, and he fell. There was a council upon the procedure, and certain of the flag-officers were opposed to tampering with the prizes. Those, however, who clamoured for an instant distribution carried the day, and of all those Penn was the noisiest; he claimed that the King and Duke intended him a particular favour, and then asked for the goods.<sup>3</sup> Sandwich was not the man to resist such a scheme. He was in some respects of an easy good-nature, never prone to say no. Questions of money and goods he despised; he had an aristocratic carelessness of accounts and prices. Ever reckless in his money matters, the distribution was but of a piece with all his actions. After all, as he told Pepys, "it was a

<sup>1</sup> *Sandwich MSS. : Letters from Ministers*, vol. i., f. 67. This is expressed in the warrant for distribution.

<sup>2</sup> *Carte MSS.*, 75, f. 354. The instructions are dated September 12.

<sup>3</sup> *Rawlinson MSS.*, A 468.

good way to get money, and afterwards to get the King's allowance thereof, it being easier to keepe money when got of the King than to get it when it is too late."<sup>1</sup> Such a speech reeks of imprudence, but there is sound sense in the sailor's attitude that a cargo in the hand was worth two warrants. The Navy Office was much behind in its payments; it is said that on Penn's death the nation owed him £12,000.<sup>2</sup> No doubt both Admirals felt that their experience justified a lax interpretation of the prize-laws.

In such a case, most of the flag-officers resolved to take a share in the prize. The sailors had not waited, but had stripped the vessels of everything of value which lay between decks, and more besides. "Great spoil, I hear," says Pepys, "there hath been of the two East India ships."<sup>3</sup> The vessels were shamelessly ransacked by the seamen, and it was reported that they swam five feet lighter. The Commissioners of Prizes viewed this so seriously that they thought of abolishing the system of giving the seamen the goods between decks, and substituting a fifth part of the profits.<sup>4</sup> The flag-officers, who were willing to participate, did their share in no more dignified a way.

"They did toss and tumble, and spoil and breake things in hold to a great losse and shame to come at the fine goods, and did take a man that knows where the fine goods were, and did this over and over again for many days, Sir W. Berkeley being the chief hand that did it, but others did the like at other times."<sup>5</sup>

Because of their expenses of entertainment, and upon their good conduct in attending to the business

<sup>1</sup> Pepys's *Diary*, September 23.

<sup>2</sup> Granville Penn, *Memorials of Sir W. Penn*, ii. 492.

<sup>3</sup> Pepys's *Diary*, September 18.

<sup>4</sup> *Carte MSS.*, 34, f. 440: Southwell to Ormond, October 16. He says that the seamen's goods were worth £100,000.

<sup>5</sup> Pepys's *Diary*, October 12.

of fighting rather than of plunder, Sandwich assigned to the flag-officers a proportion of the silks and spices which were in the holds of the *Phœnix* and *Slothony*. Many a sailor has built the family fortune upon the goods seized at sea; but Sandwich made the greatest mistake of his life in allowing these goods to be earmarked for distribution before any warrants were issued. He allotted so much to Penn, so much to himself, and so much to each flag-officer. Their shares were worth the having. Any one of them could command goods to the value of £2,000, and Sandwich and Penn took an amount worth nearer £4,000. After the allotment of the shares, arrangements were made for the care of the still huge residue. On September 18 there was a council of war on board the *Prince*. It was resolved that the prize-ships be sent to Erith, and Jordan and Kempthorne were commanded to see them safely up the river, "taking an especial care to preserve the Goods in the East Indiamen from all manner of embezzlement."<sup>1</sup> The officers of the Customs were permitted to come on board, the hatches were nailed down, and three days later the vessels sailed. Sandwich wrote, in artless fashion, to the King:

"Wee have desired my Lord Brouncker and Sir Jo: Mennes to goe and remain on board the East Indiamen and see the goods delivered into warehouses: men of small credit as under-officers and waiters are, will waste more than they preserve."<sup>2</sup>

This time the danger came from the men who should have been of greater credit. In addition to Sandwich, the officers concerned were eleven in number—Penn, Allin, Cuttance, Teddiman, Myngs, Jordan, Harman, Spragge, Berkeley, Jeremy Smith,

<sup>1</sup> *Carte MSS.*, 75. ff. 361, 367.

<sup>2</sup> Sandwich to the King in *S. P.*, *Dom.*, cxxxiii., f. 27.

and Ayscue. A long list, but one of interest, for all did not share the spoil, and the inclusion of some caused jealousy in the breasts of the others. Cuttance, Spragge, and Smith, were not flag-officers, but commanders, and it was a mistake to give them a full share. Pepys speaks of my Lord's folly "in permitting himself to be governed by Cuttance, to the displeasing of all the Commanders almost of the fleet, and thence we may conceive indeed the rise of all my Lord's misfortunes of late."<sup>1</sup> The rest of the commanders were left in the cold, and they murmured. Spragge and Smith were loyal to their own rank, and repudiated the distribution, or the form of distribution. They were supported by Berkeley and Ayscue; the latter "did from the beginning declare against these goods, and would not receive his dividend."

These four men refused the warrants for distribution; the papers, signed by Sandwich, allotting them their nutmegs, mace, and cinnamon, remain at Hinchingbrooke, as silent witnesses to the caution of a few. And four unsigned receipts are there as well; the remainder testify to those who showed less caution and integrity.<sup>2</sup> In the end Smith certainly obtained £500 from the prize-money as a free gift for service during the war, but obtained it in proper form.<sup>3</sup> As for Penn, he seems to have taken considerable licence; his list of goods is made out in his own hand, and signed by him; and the goods he chose are certainly sufficient. In sending his receipt he takes a share of the blame, making it out "for the goods your Lordship allotted me at my proposition." And he added that, if the receipt were not in due form, he would write one

<sup>1</sup> Pepys's *Diary*, January 22, 1666.

<sup>2</sup> *Sandwich MSS. Letters*, vol. i., ff. 69-72 and 87-94.

<sup>3</sup> The warrant is in *S. P., Dom.*, November 15, 1665.

such as Sandwich desired.<sup>1</sup> The receipts were dated September 23, and handed in to Sandwich. They should have been preceded by the King's warrant for the distribution. Apparently on September 21 Sandwich issued a warrant, but entirely upon his own responsibility.<sup>2</sup>

As soon as the distribution was arranged he had certain qualms. He discussed the matter with Penn, who assured him of the King's approval; but in order to obtain this Sandwich wrote to Oxford, where the Court then was, and received an assurance, coupled with a warning. His letter was addressed to Carteret, and was shown to Coventry, who said at once, "Heere my Lord Sandwich has done what I durst not have done."<sup>3</sup> The remark was ominous, and Carteret took it to heart. The King and Duke, he wrote "both aprouve exceedingly well what your Lordship hath done therein. But I thinke it will not be amisse, before those officers dispossess of the goods, that your Lordship have the King's order in writing for it."<sup>4</sup>

Unfortunately for Sandwich, he did not take this advice. The distribution went gaily on, and as yet no warrant had arrived. "All was done publicly," said Brouncker, "and with such a seeming authority, that I am sometimes apt to think they had private orders for it, either from His Majesty or His Royal Highness for some emergent occasions that would not admit delay."<sup>5</sup> The officers bundled their shares ashore, but goods of such bulk could not be removed without exciting notice. The spoils were measured in

<sup>1</sup> *Carte MSS.*, 75, f. 391, November 2, 1665.

<sup>2</sup> *Sandwich MSS. Journal*, vol. x., f. 26. Penn also speaks of warrants dated September 15 and 21.

<sup>3</sup> Marquess of Bath's papers; *Coventry MSS.*, xcv., f. 157.

<sup>4</sup> *Sandwich MSS. Letters*, i. 51, September 28.

<sup>5</sup> *Coventry MSS.*, xcv., f. 161.

tons, and came ashore in waggon-loads. The story of the great wealth to be seen in the river spread along its banks, and attracted every gossip and tide-waiter in the neighbourhood of Erith. Crowds stood agape to see the riches of the East. Seamen were selling their share in the streets and alehouses, and every waterman knew where bargains in spices might be bought from the poor half-famished wretches.<sup>1</sup> Men were prepared to purchase large or small amounts, and talked of profits of £500 or £600 over their consignments. Some of the goods were brought out and safely housed; "would the rest of them were so too!" said Pepys.<sup>2</sup> He and his friend, Captain Cocke, had bought over a thousand pounds' worth from the flag-officers, and were concerned for the security of their transaction.

There was, indeed, no little cause for fear, and Pepys, with his usual adroitness, set about getting a pass for his goods. He drew up an order for signature, and sent it to Sandwich, who attested that Mr. Samuel Pepys should quietly enjoy and dispose of the said silks and spices.<sup>3</sup> But Mr. Pepys was not allowed to do this. Early in October the Custom-house officers were warned by the Commissioners of Prizes not to pass any goods without the King's warrant, and this was not yet obtained. "We know not how to distinguish the Staffe-Officers' Goodes from others," wrote Albemarle.<sup>4</sup> So Pepys and his partner, Captain Cocke, found themselves engaged in a battle with the customs. The *Transire* was useless, and only produced some hot and angry words. The goods were seized, and locked up, and the key was given to the constable.

<sup>1</sup> Pepys's *Diary*, September 24.

<sup>2</sup> *Ibid.*, September 27.

<sup>3</sup> *Rawlinson MSS.*, A 174, f. 305, October 1.

<sup>4</sup> *Carte MSS.*, 75, f. 373: Albemarle to Sandwich.



"But, Lord!" Pepys relates, "to think how the poor constable come to me in the dark going home; 'Sir,' says he, 'I have the key, and if you would have me do any service for you, send for me betimes to-morrow morning, and I will do what you would have me.' Whether the fellow do this out of kindness or knavery," he adds, "I cannot tell; but it is pretty to observe."<sup>1</sup>

By this time the officers were burning with duty, and nothing could escape them. To Pepys came a hurried message from his partner that four more waggons had been stopped. And then, into the streets of Erith, out he rushed, and hard by the church found the waggons, and a crowd of some hundred idlers gazing. "I did give them good words," said he, "and made modest desires of carrying the goods to Captain Cocke's;" but the customers insisted on taking them elsewhere, and the spices and silks were laid out in a barn near at hand.<sup>2</sup>

Samuel Pepys was now seriously alarmed, for the matter was causing no small stir. Sir Christopher Myngs and Sir George Ayscue were spreading their stories broadcast, Myngs telling how Sandwich had kept him waiting three or four hours for an audience; Ayscue stating "that hee did from the beginning oppose the taking out of any goods, and resolves not to receive any of them otherwise than to deliver them to the King's officers."<sup>3</sup> All the blame was heaped on Sandwich; those who had received benefits stated that his lordship's back was broad enough to bear the trouble. Pepys then begged his patron for some instructions how to carry himself, and received in reply a letter in which Sandwich stated that the King had confirmed the distribution; and he bade Pepys

<sup>1</sup> Pepys's *Diary*, October 7.

<sup>2</sup> *Ibid.*, October 10.

<sup>3</sup> *Sandwich MSS. Letters*, i. 63. Myngs had already been in trouble for plundering ships. See *Cal. S. P. Col.* (1675) *Addenda*, §§ 315-316.

own his goods with confidence. "Carry it high," he wrote, "and owne nothing of basenesse or dishonour, but rather intimate that I shall know who have done mee indignities."<sup>1</sup>

Sandwich had put his trust in princes, and there was no help in them. He had been promised an order to justify the distribution, and had been assured that his action was approved at Court. He told Pepys of this, and, with a light heart, prepared to own what he had done. An order had been sent to Albemarle "for having all respect paid to the Earl of Sandwich and his goods."<sup>2</sup> And my Lord, in his faith and belief, endorsed Carteret's letter, "King's approbation of the distribution."<sup>3</sup> But the official order was delayed. When the story of the prize-goods had been spread far and wide, and every man's hand was against Sandwich, the document came. It had all the panoply of royal seals and signatures, yet the date, October 17, was too late to render it of any service. The document is among the papers at Hinchbrook, and has one curious feature. A close examination shows that the day was inserted in another and not a clerical hand. A much earlier day of October might have been entered, but evidently some check was kept, for the draft in the King's entry book bears the same figure.<sup>4</sup> The date was not falsified; but why should it have been left, presumably to Sandwich, for insertion?

During the interval, in which the document was promised and delayed, other forces began to work. At the outset the hopes of the Council of State had been fixed upon the prizes, and there was every reason to think that by these great riches the country's credit

<sup>1</sup> *Rawlinson MSS.*, A 174, f. 303. The letter is printed twice in Granville Penn's *Memorials of Penn*, and in Pepys's *Memoirs*.

<sup>2</sup> Pepys's *Diary*, October 1 and 12.

<sup>3</sup> *Sandwich MSS. Letters*, i. 53.

<sup>4</sup> *Cal. S. P., Dom.*, October 17.



could be restored. Arlington, whose business was to justify the Government in its conduct of the war, saw in the capture a source of congratulation. "If we must have war," he wrote, "may the next be as prosperous." Sandwich, he thought, had furnished him with a good story to carry to the Parliament.<sup>1</sup> The Duke of York added his thanks for the treasure: "Considering with how little loss it hath been acquired, is sufficient ground to give God thanks for his goodness to us, and under him to you for your care in this action."<sup>2</sup> But Clarendon knew that the Duke had taken umbrage at the distribution, and was offended in the highest degree, in that it should be done without his advice.<sup>3</sup>

That was really the key to the trouble. The old jealousies sprang up again. The Duke as Lord High Admiral, and the members of the Council, regarded themselves as the proper fountain of benevolence, and, although gratified, they had no desire to be cheated of their expectations of a great return. Albemarle wrote to Sandwich on September 19 a long and very insistent letter, urging that every precaution should be taken against embezzlement, since the Court was put to great shifts for money.<sup>4</sup> Of this letter, Sandwich foolishly took no heed. A few days later he and Evelyn were with Albemarle, when Albemarle outlined his plan for the disposal of the prizes.<sup>5</sup> He desired instantly to realize them, and proceeded to strike a bargain with the East India Company. The goods were such as the company bought and sold, and they were fearful lest the dispersal of such commodities should lower their markets. Coventry had

<sup>1</sup> *Carte MSS.*, 46, ff. 205-207, and 223, f. 291.

<sup>2</sup> *Ibid.*, 75, f. 359.

<sup>3</sup> Clarendon, *Life*, iii. 574.

<sup>4</sup> *Carte MSS.*, 75, f. 363.

<sup>5</sup> Evelyn's *Diary*, September 25.

suggested a deal.<sup>1</sup> The company took it up, negotiated with Albemarle, agreed to an advance upon the value of the goods, and made themselves accountable, not to the Exchequer, but to the said Duke, or whom-ever the King should appoint. The arrangements occupied about a month, and on November 14 a contract between Albemarle and the company was ready for signature. The King, pressed for a speedy supply, desired the money to be raised with all expedition, and £100,000 was speedily allotted for the use of the navy and the expenses of Tangier.<sup>2</sup> The care of the prize-goods was made a public affair.

It was a misfortune that the incident occurred at a time when opinion was inflamed. Finance was in a muddle; the whole country seemed crumbling to ruin. The meshes of discontent and disaster were widely spread, and the state of affairs was deplorable. The ravages of the plague were seen on every hand. To the sober-minded it looked as though the time of retribution had come. To the sterner Puritan, disease sat in judgment upon a people steeped in iniquity; London was likened to a city of confusion, where every house was shut up that no man might come in. In the alleys and corners, "the sluttish parts," the plague increased. The streets were empty save for "poor sick people, full of sores." The awful calamity which had befallen the nation was a terrible contrast to the perpetual scandals which issued from the Court. The evidence of a callous government was shown in the mismanagement of the war, "nobody minding the public, but everybody himself and his lusts." Any man with a spark of sense and sympathy was appalled at the sick seamen who perished daily in the streets

<sup>1</sup> *Cal. S. P., Dom.*, September 16.

<sup>2</sup> *Ibid.*, October 10, November 3, 11, 14, 15.

for want of quarters.<sup>1</sup> Misery was coupled with sedition. The fanatics were said to be busy and full of high hopes. Folk talked of plots hatched in the conventicles by those who were stretching out their hands to the Dutch.

These alarms gained credence through the high-handed action of the enemy. The Dutch "were so pleasant as to say, The English nation is now brought so low with the Plague, that a man may run them down with his finger."<sup>2</sup> During the whole of October they were upon our coast, and caused a natural though insensate panic. They sailed in search of the English fleet, and it looked as though an invasion were intended. Beacons were lit along the coasts; warnings were sent to the Lord-Lieutenants that the militia might be made ready to repel a landing. The lights which ordinarily guarded mariners were removed, for it was feared that the Dutch might sail up the Thames, and fire our ships which lay in the river. These were only "Presbyterian reports"; but for weeks the Dutch were in sight, now off the Foreland, now peeping at Solebay, now off Harwich. They wished "it might at least be said they had made a face at us."<sup>3</sup> At length the tempest was too strong for them, and they were driven back into their own harbours. The expedition turned out mere bravado—an attempt to regain the reputation lost in the summer.<sup>4</sup>

As long as our fleet was afloat, whether in the river or at Harwich, the Dutch could not guarantee their communications nor guard their trade. They may have hoped to tempt us out and try the issue of

<sup>1</sup> *Cal. S. P., Dom.*, September 21; Pepys's and Evelyn's *Diaries*; *The Intelligencer*, August 5.

<sup>2</sup> *The Intelligencer*, September 18.

<sup>3</sup> *The Newes*, October 9.

<sup>4</sup> *Cal. S. P., Dom.*, September 11; see also October 23, November 1; and *Carte MSS.*, 75, ff. 375, 380.

another battle. Our caution disappointed them. But the tattler of the coffee-houses had his own conception of strategy, and his word carried weight. He

“sett all men's touns agoeing upon the small procede of all our prizes, and that it had been better they had been sunken then for theyre sakes and theyre plunder the whole Fleete should be brought in and leave the Dutch Maisters of the Sea.”<sup>1</sup>

The whole blame was laid upon Sandwich, because he had not gained a decisive victory and swept the enemy into their harbours. In such desperate straits men were scarce likely to be lenient over the prizes. It was a further misfortune for Sandwich that the fleet could not put to sea, for to the people and Parliament the withdrawal of our ships seemed an act dictated by diffidence and greed. But Sandwich knew the difficulties by which he was faced, and acted with deliberation. He sought advice from Charles, and the King, one of the best judges of his time, was in the main satisfied. Though he would have had the Dutch soundly beaten, he recognized that the weather was against us, and that a cruise too near the enemy's coast would have endangered our vessels. Charles therefore acquiesced in the return, and as to getting the fleet out again, he left Sandwich to make such arrangements as he would.<sup>2</sup>

It was unfortunate for the Admiral that he had a nautical conscience, and that he had no desire to go to sea with a covey of lame ducks. The King had expressed a desire to keep the officers and men on board “till wee see with certainty what the enemy will doe, whether lay up their ships or come out againe, if but to make a Bravado, and do some mischiefe upon

<sup>1</sup> *Sandwich MSS. Letters*, i. 59: Pepys to Sandwich.

<sup>2</sup> *Ibid.*, i. 44, September 16; *Carte MSS.*, 75, f. 365.

the coast." But Charles took no count of our provisions—a matter into which Sandwich made inquiry. Another campaign was to him at least hazardous, if not impossible. "It had beene," wrote Pepys, "to have discovered too much of our nakednesse; for after all, a Fleete could not have beene gott out, nor kept out."<sup>1</sup> There was a great deficiency of men; sickness had lain heavily upon them, and most of the sailors had been twelve months at sea. The autumnal gales were exceptionally severe, and the vessels could only keep the sea at great risk. They were ill-provided and ill-repaired.<sup>2</sup> Some were leaky, others wanted a bowsprit or a mainmast, and neither masts nor tackle were of the strength required for the strain of a tempestuous month. Sandwich held a council of war in order to consider the expediency of bringing in the great ships. The next year's campaign was to be provided for, and on this count it was resolved not to put the great ships to sea during that winter.<sup>3</sup>

It was a misfortune for Sandwich that he agreed to this decision. For though it was in accordance with the usual practice of the time, and with the letter of the instructions which he received from Oxford, it was not in harmony with the spirit. The King's advisers were divided in opinion, and their counsels swayed this way and that. Every man in the cabal knew that the fleet was ill-provisioned, yet each had an indeterminate and vain wish to make a show upon the sea. Coventry was particularly eager and inconsistent, for he knew that only necessity had driven us home. For weeks there had been a fear that the French might join the Dutch and do us some

<sup>1</sup> *Sandwich MSS. Letters*, i. 59.

<sup>2</sup> *Carte MSS.*, 74, f. 234. An exact list is given of the deficiencies. This would provide Sandwich with a basis for decision.

<sup>3</sup> *Ibid.*, 75, f. 371, October 1.

mischief.<sup>1</sup> In order to prevent this, the great ships were desired in commission.

"Upon which point," wrote Coventry, "I beseech your Lordship to consult the ablest Commanders with regard to the Season of the Yeare, which I should thinke very hazardous for greate ships, but that the Dutch seem to intend the staying with the biggest they have."<sup>2</sup>

The answer to this letter was given by the council of war. Their decision was not unreasonable. To have met the Dutch would have meant an engagement under the most unfavourable conditions. According to the commanders, not more than four ships were capable of putting to sea.<sup>3</sup> To stay out was impossible; to risk next year's vessels was an act of madness. But the policy of caution did not pay, for others opposed it. James had urged "making a show," but without any belief that it was seasonable to bring out the great ships. He believed in fitting out a squadron of frigates which might do service, and draw the Dutch from our coast.<sup>4</sup> It was a mistake of Sandwich not to keep up some pretence. Instead of that, once the matter of laying up the great ships was decided, he left the fleet at the Nore, started for Oxford, and arrived there on October 7.

There was abundant reason for his going there, but the matter was left by the King and Duke to his own discretion. And now not only had he the matter of the prize-goods to cause him anxiety, but he deemed that the North Sea campaigns were ended. Other plans were on the anvil. The letters sent by Coventry con-

<sup>1</sup> *Cal. S. P., Dom.*, September 8 and 11; Coventry and York to Arlington.

<sup>2</sup> *Sandwich MSS. Letters*, i. 49.

<sup>3</sup> *Pepys's Diary*, October 25; *Carte MSS.*, 74, f. 234.

<sup>4</sup> *Brit. Mus., Add. MSS.*, 32,094, f. 65: The Duke of York to Penn, October 8.



cerned schemes for scattering the fleet. There was a talk of secret expeditions to Guinea and the Straits, and Sandwich had been invited to Oxford in order to consult upon their expediency.<sup>1</sup>

But Sandwich did not order his goings with any subtlety, and his presence at Oxford only made for his undoing. It was unlucky for him that he went there at that very time, when the enemy again appeared in our waters. With regard to his movements, Sandwich was never heard in his own defence, nor did the people know how impossible he thought a campaign. He was censured by appearances, and by the gossip which simmered in a plague-ridden country. There came hints that the Admiral's proper place was on board the *Prince*, and that he put his own interest before that of the navy. Albemarle, on whom had fallen the whole administration of the war, was highly indignant, and blustered about in London, saying "that if my Lord Sandwich do not come to towne, he do resolve to go with the fleete to sea himself." His friends, who were bearing with him the heat and burden of the plague, cried that the fleet should be hurried out.<sup>2</sup> It was not a time for calm consideration. The people took the key from Albemarle, and sang in the same strain. They were alarmed at the action of the enemy. It was opportune, wrote Coventry, that money was voted just before the Dutch came full sail on to our coast, and, he adds, that the council of war was over-confident, on sending in the great ships, that this would not come about.<sup>3</sup>

For the decision of the Council, Sandwich had to take the blame. He felt the keen tooth of ingratitude ;

<sup>1</sup> *Sandwich MSS. Letters*, i. 49.

<sup>2</sup> Pepys's *Diary*, October 9 and 16 ; see also *Sandwich MSS. Letters*, i. 59.

<sup>3</sup> *Carte MSS.*, 47, f. 428 : Coventry to Ormond.

he regarded "his ill usage about the first fight, wherein he had no right done him," as the source of his trouble. The neglect of his name in the reports of the battle of Lowestoft had done him a bad turn; for this he was convinced that he had to thank Coventry, and none could assure him otherwise.<sup>1</sup> Not much was said about the failure at Bergen, though it was suggested that there would have been a great clamour if a lord of the King's party had had no better success than an old seaman such as Teddiman.<sup>2</sup> Such blame as there was fastened upon Sandwich. He was no great courtier, he was not one of the first favourites of the King, and he did not obtain much support from that quarter. He was allowed to be a target for the people. "Whatever the satisfaction he may have given to the King and Council, the general voyce of the town is very smart upon him," wrote a Court gossip.<sup>3</sup> Not only was he censured over the prize-goods, but the conduct of the campaign was called in question. The people rebuked him as Samuel rebuked Saul. They had expected him to fight until the Dutch were consumed, and they made out that he had but flown upon the spoil.<sup>4</sup>

Partly from excess of caution, partly from a conviction that the prizes were his best object, Sandwich had fallen into a temptation which overcame many another

<sup>1</sup> Pepys's *Diary*, October 25.

<sup>2</sup> *Cal. S. P., Dom.*, August 18: Peterborough to Williamson.

<sup>3</sup> *Carte MSS.*, 215, f. 214: Brodrick to Ormond, October 8.

<sup>4</sup> "But Sandwich fears for Merchants to mistake  
A Man of War, and among Flow'rs a Snake.  
Two Indian Ships pregnant with Eastern Pearl,  
And Diamonds, sate the Officers and Earl:  
Then warning of our Fleet, he it divides  
Into the Ports, and so to Oxford rides.  
Meanwhile the Dutch, uniting to our Shames,  
Ride all insulting o'er the Downs and Thames!"

DENHAM: *Directions to a Painter.*



famous Admiral. But the world did not see eye to eye with him. His misdeeds were taken up by Parliament. His enemies might have been silenced had it not been for the prize-goods; for had he brought back the vessels intact, his victory would have been applauded. Though Sandwich and his officers obtained less than one-twentieth of the spoil, the outcry over the division caused the successes of his expedition to be overlooked. Parliament brought in a Bill "calculated to his case," and made it a felony to break bulk.<sup>1</sup> Over this Sandwich and Pepys made mighty merry; my Lord said: "They will make that no prizes shall be taken, or if taken, shall be sunk after plundering."<sup>2</sup> Though the resolutions gave them cause for mirth, it was the forced mirth of an uneasy conscience, and the temper of Parliament was dangerous. Some hot-heads would have voted a great sum to the Duke, £10,000 to Rupert, and half a crown to Sandwich.<sup>3</sup> Nothing came of this studied insult, and possibly my Lord never knew of it, though a disagreeable story rarely lacks a friend to bring it round. As the autumn wore on, envy and malice had full scope, and he "received still worse and worse usage from some base people about the Court."<sup>4</sup> If every allowance is made for his egotism and imagination, he had good cause to feel himself bespattered.

"He underwent the blame," says Evelyn, "and it created him enemies, and prepossessed the Lord General, for he spake to me of it with much zeal and concern, and I believe laid load enough on Lord Sandwich at Oxford."

For popular condemnation Sandwich cared not one farthing, but that of the Court was another matter.

<sup>1</sup> *Commons' Journals*, October 13-21.

<sup>3</sup> *Ibid.*, November 6.

<sup>2</sup> *Pepys's Diary*, October 25.

<sup>4</sup> *Ibid.*, November 27.

He could see that he was in danger, and that intrigue was afoot. At a critical juncture his friends were few, and seemed to him lukewarm. He heard the Chancellor's opening speech to Parliament, and felt that even Clarendon was cold in doing him right.<sup>1</sup> He could test the temper of the House, for he took his place in the Lords and sat upon one or two Committees.<sup>2</sup> When it was too late, he realized that his presence in Oxford was a mistake, and rejoined the fleet. On October 23 he received news from Penn that thirty Dutch ships were off the Gunfleet, and threatened to block up the Channel.<sup>3</sup> Hopeless as Sandwich was over the business of the navy, he returned next day to London, consulted the victuallers and certain captains, and several ships were made ready to fall down to the Nore.<sup>4</sup> His business, as he told Pepys, was to get out a few vessels to drive away the Dutch; but only about four were really fit for service—the remainder had scarcely a biscuit on board. A squadron so equipped was not fit to keep the sea, and useless in fighting. No one could have a stout heart under such circumstances, and Sandwich did not believe anything effective could be done. However, he returned to his post, and on October 29 was again off the Nore. He found little to do, except to play upon his guitar, which he commended "above all musique in the world." The weather had come to our rescue. The month ended with a tempest, sufficient to scatter the Dutch and to drive them back to harbour. Then they sailed for the coast of Holland,

<sup>1</sup> Pepys's *Diary*, October 25.

<sup>2</sup> *Lords' Journals*. Sandwich was on the Committee to consider "Bills for uniting Churches in Cities" and "An Act of Distresse and Avowries for Rent."

<sup>3</sup> *Carte MSS.*, 75, ff. 375, 380.

<sup>4</sup> *Cal. S. P., Dom.*, October 24; Sandwich to Arlington.

and nothing more was heard of them during that winter.

With an end to any possible campaigning, little work remained to be done. "All our business now," wrote Coventry, "is to do the Dutch what mischief we can, both to merchandise and fishing vessels, and to prepare for next year."<sup>1</sup> From time to time the flag-officers met in council. They sent the great ships, first and second rates, to the dockyards at Sheerness and Chatham, and made out a roll of the seamen "in a book, fair-written."<sup>2</sup> A convoy was provided for the Hamburg merchants, for Albemarle considered it of moment that those who dealt in cloth might be free to trade, and thus have money for their taxes.<sup>3</sup> The last work which Sandwich did was the preparation of the necessary squadron.<sup>4</sup> On November 18 he received permission to leave the fleet;<sup>5</sup> two days later he presided at a final council of war. Then his employment at sea came to an end; he gave up the command, and repaired once more to Oxford.

For some weeks he had been ready to lay down his commission. His first visit to Court had shown him the uncertainty of the national temper. The daring of the Dutch had scared the nation, and the alarm which was caused made the people shout for some head upon a charger. Why was the Admiral of the Fleet at Oxford, at Court? It was useless arguing about lack of provisions or the wisdom of the decision of the council of war; the Admiral's ill-timed visit rankled in men's minds. Months later the action was brought

<sup>1</sup> *Carte MSS.*, 75, f. 387, November 2.

<sup>2</sup> *Ibid.*, 75, f. 395. The seamen were classified: able and ordinary seamen; serviceable and unserviceable watermen; old, new-raised, and sick-ashore soldiers.

<sup>3</sup> *Carte MSS.*, 75, ff. 401-413.

<sup>4</sup> *Cal. S. P., Dom.*, November 15.

<sup>5</sup> *Carte MSS.*, 75, f. 399.

up in Parliament, and considered as one of the miscarriages of the late war.<sup>1</sup> Sandwich was aware of the hubbub he had raised, and became doubtful of his position. Like all seamen in similar circumstances, he deemed himself unjustly treated and the sport of faction. A change of Admirals was common talk. One of the tale-bearers and busybodies about town wrote of the uncertainty which prevailed as to that winter's command, "none amongst us daring to conjecture."<sup>2</sup> Sandwich saw the way the wind shifted, and wished himself quit of the service. When he returned to the Nore, and dangled about near a half-victualled fleet, his interest was lessened; he felt that nobody minded him or his condition. He was sure that even the King would sacrifice him, nor perhaps feel himself safe till Sandwich had gone.<sup>3</sup> He talked it over with Pepys, who advised him to be quit of the sea-employment, and that fell in with his lordship's wishes.

It was true, as he said, that his enemies were preparing to oust him from the fleet. Not only in the coffee-houses, but in the Cockpit, where Albemarle and his Duchess held Court, there grew up a party which criticized the conduct of the war. Men did not scruple to say that the security of the plunder had been more to Sandwich and to Penn than the security of the country. Their words took wings, and rumour quickly became confirmed. Albemarle was determined to have done with the late leaders of the fleet. He "did speake very broad that my Lord Sandwich and Penn should do what they would, and answer for themselves."<sup>4</sup> Pepys says that he was agog to go to sea himself the next year. The old antagonism

<sup>1</sup> Grey, *Debates*, February 15, 1668 (i. 77).

<sup>2</sup> *Carte MSS.*, 34, f. 448, October 22: Brodrick to Ormond.

<sup>3</sup> Pepys's *Diary*, October 22—this refers to the prizes.

<sup>4</sup> *Ibid.*, November 27.

between the land admiral and the sailor broke out afresh. Albemarle hated the old school of seamen, and, in order to bring the war more quickly to a close, he moved the King and Duke to entertain all gentlemen volunteers, and to bestow commands on all who have deserved, "that the Crown of England may not depend upon tarpaulins, as he calls them."<sup>1</sup> To get rid of Penn was a matter of no great difficulty, since he could excuse him because of his frequent attacks of gout, and appoint him a Naval Commissioner.<sup>2</sup> To get rid of Sandwich, the Vice-Admiral, was less easy; the King knew enough of naval affairs to appreciate the Admiral's work and ability, though at the same time he realized his error of policy in the last campaign.

This alone did not provide a sufficient indictment against Sandwich, but when backstairs influence got to work he was superseded. His enemies had one strong card to play—the necessity for an inquiry over the prize-goods. If this had been held, not only would Lord Sandwich have been convicted of irregularity, but the King and the Duke must have shared the blame. They had issued contrary orders, and had done their best to cover the follies that were committed. Had they disapproved of the distribution, it could have been in part prevented, but the word for their approval was given, and some of the blame was theirs.

They avoided an inquiry, and Sandwich was not wholly sacrificed. An important piece of diplomatic business was entrusted to his care. Hard upon this announcement came the arrangements for the next campaign. Albemarle, at Oxford, "was received

<sup>1</sup> *Carte MSS.*, 34, f. 488 : Brodrick to Ormond, November 18.

<sup>2</sup> Penn was kept at work in the Navy Office. He gives the date of his leaving the *Royal Charles* as Christmas, 1665 (Penn, *Memorials*, ii. 516).

by His Majesty with all the demonstrations of joy one friend could give to another, hugging and kissing."<sup>1</sup> At the same time it was publicly declared that he and Rupert were to command next summer's fleet.

The change in command must be considered in two aspects. The blunder over the distribution of the prize-goods remains indefensible, and it has, unfortunately, tarnished the Admiral's reputation. His great work in the battle of Lowestoft was ignored; in common with his colleagues, he shared the blame of Brouncker's failure in pursuit. He bore the weight of the failure at Bergen. Then he was expected to do weeks of wonder on a few days' rations. He set out, and brought back a prize worth millions. This was his undoing; he could hardly have expected that the plunder of the *Phœnix* and the conduct of the campaign would not be mixed up by his critics. But he had no one to speak for him. Even the Chancellor was out of countenance for seeming to excuse him. The general discourse was that Clarendon, "as first Minister, thought it not decent, a Minister of so great consequence as my Lord Sandwich, should be run down by common voyces, whilst His Majesty thought not fitt to question his actions publicly."<sup>2</sup>

An inquiry was what Sandwich desired. Had it not wholly cleared him, he would at least have gained a hearing for the good work he had done. And in preparation for an inquiry, either then or at a later date, Sandwich prepared his case. This is now in the Bodleian Library. It is a thin folio volume, written by the hand of Pepys. The defence deals mainly with the prize-goods and the movements of the fleet after the engagement of September 9. He had then to

<sup>1</sup> *Carte MSS.*, 34, f. 498, December 2.

<sup>2</sup> *Ibid.*, 34, f. 485: Brodrick to Ormond, November 11.



decide between bringing in safely the prizes which he had already obtained, or taking further risks, partly in the hope of greater spoil, and partly in order to do further harm to the Dutch.

It has already been seen that he chose the more cautious policy. His action was of a piece with all his work at sea, and he was prepared to defend it. After the brush with Bankers' squadron, the English fleet was approaching the Texel; the logs of some six vessels show that they were dangerously near.<sup>1</sup> It had been decided at a council of war, held on August 28, that the fleet should not go too near the Dutch shoals, and thus endanger the great ships, merchantmen, and heavier sail, which, "if they bee putt from their Topsayles always fall in at least two points towards a lee shore." And Sandwich continues his defence by pointing out that the enemy was fully two leagues ahead, and that before they could be caught, darkness would have overtaken the English. Then neither friend nor foe could be distinguished, there would have been confusion, "lights extraordinary abroad, and guns alwaies going." If a storm arose, neither anchor nor cable could have held the fleet, and to tack at night was too risky a business. The Dutch had fifty sail a few leagues to the south, and therefore the separation of our ships would have been fatal. The prizes might have been lost; and in the event of an engagement, those who manned them would have been perforce withdrawn, and the prizes destroyed. Had a real gain been certain, Sandwich suggests that he might have controverted the council of war, but preferred to bring His Majesty a great return. No man, he added, could say that he avoided battle on

<sup>1</sup> *Carte MSS.*, 75, f. 247: The logs of the *Rainbow*, *Unicorn*, *Rubye*, *Old James*, *Revenge*, and *Royal Katherine*.

the score of personal danger, for he had adventured greater things.

"I also hope," he says, "the world believes me guilty of some noble ambition: would not I have been desirous to increase my victories? to return home with sixty prizes rather than thirty, to have escaped the calumnies of ignorant enemies (whereof I find some store)."<sup>1</sup>

There was yet another way in which the Admiral had offended, and as to this he was again prepared to defend himself. On one particular point Sandwich and Penn were agreed. Neither was for a dissipation of the main force.

"Here it is publicly talked," wrote Brodrick, "with new imputations to my Lord Sandwich, and Sir William Penn; who they say, would never suffer considerable convoys or squadrons to part from the Mayne Fleete, lest the Dutch should be superior in number, resolvinge neverthesse, not to fight, if it were possible to avoyd it; by which means the hopes of all sober Men are eluded, the Treasury of the kingdom uselessly expended, themselves enriched with the late plunder, and the nation disgraced as outwitted by the Dutch."<sup>2</sup>

The enemy had suffered from their own disregard of this principle; they had lost largely because their vessels were scattered. On this point Sandwich was rigid. Among the Carte papers is a letter which deserves more than a footnote. It is a formal apology to the Admiral from the Merchant Adventurers, in respect to this.

"The Company," says the writer, "know very well that his Majesty's fleet have been Masters of the Sea

<sup>1</sup> *Rawlinson MSS.*, A 468. In composing the defence Sandwich made full use of his journal.

<sup>2</sup> *Carte MSS.*, 34, f. 484, November 11.



this whole summer, and could not well have been so, if they had been carved into squadrons for the convoy of trade."<sup>1</sup>

But his enemies were not so much concerned with strategical points, for they were hot upon another trail. The question of the prizes gave a better line of attack than did the strategy. Albemarle was blustering and conscientious, and never rested until some sort of an inquiry about the spices was set on foot.<sup>2</sup> Pepys, who had fine opportunity for observing portents, set to work to rid himself of his goods. "I am afraid we shall hereafter have trouble," he writes; "therefore I will get myself free of them as soon as I can, and my money paid." By the time he cast up his accounts for the year, he had obtained most of the money, to his great content and joy.<sup>3</sup> He had managed it most adroitly. The inquiry revealed widespread annexations: not only silks and spices, but powder, brandy, anchors, and tackle—a wholesale raid on our naval stores. All along the coast, from Rochester to Harwich, embezzled goods were brought to light. There exists a long list of Mayors and officials who were detected in possession of plunder, but for the name of Samuel Pepys one may search in vain.<sup>4</sup>

Sandwich was less crafty than Pepys, and much tumult and excitement arose around his goods. As the clamour over the prizes waxed more insistent, he had not only to defend his honour, but his possessions. In the division of the spoil he had taken a share with the rest of the flag-officers, and firmly believed in his

<sup>1</sup> *Carte MSS.*, 75, f. 411, November 17.

<sup>2</sup> *Cal. S. P., Dom.*, November 16.

<sup>3</sup> *Pepys's Diary*, November 29, December 13 and 30.

<sup>4</sup> *S. P., Dom.: Charles II.*, cxlix., f. 89, etc. The report was issued or pigeon-holed in February, 1666. Pepys's *Journal of my Proceedings in the Business of the Prize-Goods* is printed in his *Life*, edited by Rev. John Smith (London, 1841).

right to do so. He had over two tons of spices and nearly a ton of raw silk. These were sold in London, and fetched something near £5,000.<sup>1</sup> A few spices remained, and Sandwich sent them to Hinchbrook. Mixed with them were "two scriptores large," some Indian gowns, a box of china, some music-books, and other odds and ends. All these were packed into the *Roe*, a small ketch, and sent on their roundabout journey, down the east coast as far as the Wash, where they were to enter the Ouse, and be taken on from Lynn to Huntingdon.

No sooner did the ketch arrive at Lynn, than she was seized by the Customs officers; her goods were unloaded and thrown into the storehouse. The orders were sent down by Albemarle and Lord Townshend, a Commissioner of Prizes<sup>2</sup> Shepley, the steward at Hinchbrook, rushed up to Lynn and tried to rescue the goods. The matter made a great noise, and became the talk of the town, whether in Lynn, London, or Oxford.

"A vessel of his Lordship's," wrote a courtier, "said to be full of plunder put into Lynn, which my Lord Townsend hath seized, and is preparing an inventory for the King. How farr the House of Commons will be restrained from enquiry, I know not; but it is the publique discourse of all persons, in all places; and my Lord General openly advises all the Officers, who have Orders, Warrants or Discharges, under my Lord Sandwich his Hand, for any prize goods, to keep them safe against the Day of Examination, which early or late, will inevitably come."<sup>3</sup>

As soon as Sandwich heard of the pother at Lynn, he obtained a warrant which franked certain goods, and which permitted him to summon Godfrey, the

<sup>1</sup> *Sandwich MSS. Journal*, x. 234.

<sup>2</sup> *Sandwich MSS. Letters*, i. 100.

<sup>3</sup> *Carte MSS.*, 34, f. 512: Brodrick to Ormond, December 16.

most active of the Customs officers.<sup>1</sup> Further than this, when he recognized that a faction was against him, he began his suit for a pardon under the Great Seal; but this Albemarle resolutely opposed.<sup>2</sup> Sandwich endeavoured to balance his opposition by the interest of Clarendon and Manchester. He begged the Chancellor to see him righted, though this was a matter of some difficulty, since there was a further dispute over the warrant. Those goods on which his lordship had offered to pay custom were to be delivered "without any lett." Sandwich's servants would not receive a portion of the goods, but demanded the whole—a far greater quantity than was mentioned in the paper. Another quarrel ensued. Sandwich rode his high horse, and demanded the punishment of Townshend and Godfrey, but since these men had only obeyed Albemarle's letter, which had left them no alternative, Manchester and Clarendon decided not to send Godfrey for examination, but to await Sandwich's instructions.<sup>3</sup>

His answer, full of spirit, was sent the next day.<sup>4</sup> "It is scarce possible," he wrote, "to tell you the publique scandall and wound I have received." He had sent his wearing apparel "and some other household stuffe" to Lynn.

"In these parcells," he continued, "I suppose there may be some very inconsiderable presents made mee by some captaines, (for I have not a sixpence by my owne authority and connivance), perhaps three or four

<sup>1</sup> *Cal. S. P., Dom.*, December 14.

<sup>2</sup> *Carte MSS.*, 34, f. 514: Brodrick to Ormond, December 23. "Lord Sandwich has very prudently sued out his pardon under the great seal; which is endeavoured by some of the other officers, but opposed by Albemarle." There is some ambiguity about Brodrick's statement.

<sup>3</sup> *Carte MSS.*, 75, f. 419: Manchester and Clarendon to Sandwich, December 28.

<sup>4</sup> *Ibid.*, 75, f. 422. It is the most spirited letter Sandwich ever wrote.

Indian gownes, a little chocolatte, a scritore or two, three or four china dishes; all I boldly affirme not worth £100."

Such parcels had been sent before, and should have passed this time, though he had told his servants to open them, if called upon to do so. These presents Sandwich distinguished from the spices and silks given him by the King. The stay of his goods, he thought, was due to the bad offices of Townshend, and he denied that Albemarle had given any orders to delay them. Not only that, but he was assured that Townshend had worked against him at Oxford. And, to crown all, one of the customers' wives made off with a silver warming-pan, and there was no linen left him for his expected journey. He felt himself sullied over this affair, and regarded high and public satisfaction needed for the injury.

At length his protests were heard. Arlington took up his cause, and was loyal to his colleague. His letters to the King affirmed that His Majesty owed the Earl protection and vindication, according to his quality and rank, and should see him righted with as much noise as he was wronged. Sandwich also offered to open the goods restored to him, in the presence of the Customs officers or other unsuspected persons.<sup>1</sup> This was done, and three gentlemen of Huntingdon—Lionel Walden, John Heron, and Jasper Trice—examined the baggage at Lynn. The goods were divided, custom was paid, and they were passed.<sup>2</sup> Then a privy seal was drafted for the pardon of the officers who had taken part in the distribution.

<sup>1</sup> *Cal. S. P., Dom.*, December 29: Arlington to the King. It is probable that Arlington was at first lukewarm in the matter, because Sandwich had not asked his advice as well as the King's (*Sandwich MSS. Letters*, i. 53).

<sup>2</sup> *Cal. S. P. Dom.*, January 5, 1666.

The wording of the privy seal was unsatisfactory and offensive to Sandwich. He wrote an indignant letter of protest against a preface "which hath in it a passage very scandalous to persons of great reputation." The goods were spoken of as "embezzled."

"The truth is," said he, "not one jot of the dividend was distributed nor my order made (as appears by the date of it) until His Majesty and His Royal Highness had been acquainted with the separation of those goods, and approved thereof."

No count was taken of the special dividend to Penn or to himself, and it was insinuated that the goods sold to Captain Cocke were worth £12,000 instead of only £5,000. Some of the charges Sandwich regarded "as studded false slander."<sup>1</sup>

His vigorous protest was heard, and an order was issued more in accordance with his desire. On January 24 the various officers of the Exchequer, Customs, and Prizes, were bidden to discharge Edward, Earl of Sandwich, and the flag-officers of the fleet, from all inconveniences, fines, and forfeitures. The King took upon himself the burden of the distribution, "the said goods having been bestowed on them by the King to encourage them in their services."<sup>2</sup> The remainder were sold with the ordinary East Indian goods, and for a time nothing more was heard about the prizes.<sup>3</sup>

Thus ended the most unfortunate episode of a year which began with great promise. The turmoil about the prize-goods stood out in chequered relief, and Sandwich found that his own heedlessness and neglect had besmirched his reputation. The friends on whom he counted in a fickle Court had manifested their fickleness. His hopes were centred on his journey to

<sup>1</sup> *S. P., Dom.: Charles II.*, cxlvi., f. 22.

<sup>2</sup> *Cal. S. P., Dom.*, January 24, 1666.

<sup>3</sup> *Ibid.*, March 8, 1666.

Spain, and the chance of recovery which it brought him. The past was full of bitterness.

“The great evil of this year,” said Pepys, “and the only one indeed, is the fall of my Lord Sandwich, whose mistake about the prizes hath undone him . . . indeed, his miscarriage about the prize-goods is not to be excused, to suffer a company of rogues to go away with ten times as much as himself, and the blame of all to be deservedly laid upon him.”<sup>1</sup>

<sup>1</sup> Pepys's *Diary*, December 31, 1665.

## CHAPTER X

### THE EMBASSY TO MADRID <sup>1</sup>

#### I. OUR RELATIONS WITH SPAIN.

“La sureté du reste de la terre  
Dépend de là.”

LA FONTAINE: *Les Vautours et les Pigeons*.

At the time Sandwich went to Spain he was in his forty-first year. The good-natured, somewhat heavy face was too gross for a man of his age, and tempest, ill-health, disappointment, and worry, had left their mark. Though of mature appearance, he was young in spirit, and he prepared for his new life with considerable zest and satisfaction. In service and experience he was one of the more prominent men at the Stewart Court, and he was confident of his own powers. When he exchanged the rude life of the seaman for

<sup>1</sup> Authorities: *Sandwich MSS. Journal*, volumes ii. to viii. Sandwich's instructions, and several letters relating to the embassy, are in the *Carte MSS*. Other letters are in the Public Record Office in *State Papers, Foreign (Spain)*; most are uncalendared, but some have been printed in *A Secret Collection of the Affairs of Spain*; the *Letters of Lord Sandwich and Others* (London, 1720). *The Treaty Papers and Portugal* bundles, also in the Record Office, yielded much information.

For printed sources: Mignet, *Négociations relatives à la Succession d'Espagne*; *Recueil des Instructions données aux Ambassadeurs (Spain* ed. by A. Morel Fatio; *Portugal* by Saint Aymour); Sir R. Fanshaw, *Original Letters* (London, 1702); Lord Arlington's *Letters* (London, 1701); Lady Fanshaw, *Memoirs* (ed. H. C. F.); T. H. Lister, *Life of Clarendon*. Other authorities are mentioned in the notes, but to the MS. sources used there should be added the *Archives des Affaires Étrangères, Paris: Corr. Angleterre*; and some transcripts from the MSS. at Simancas.



the craft of diplomacy, he was engaged in work of which he had already acquired a knowledge. As matters stood, he welcomed a change of life and scene. For six months he had endured the buffets of ingratitude and ill-fortune, and the embassy to Madrid brought him a chance of justifying himself in the eyes of his King and country.

During his stay in Oxford, Sandwich had been able to unravel the threads of his work. Since the Dutch were still at war with us, and France was on the verge of joining them, we had need of a new ally. We were not secure of the Spaniard, "or indeed of any other friend abroad,"<sup>1</sup> but the Spaniard might be had at a price. Our merchants desired better relations, for Spain was a good customer, and a commercial treaty would serve at once to enrich us and to bind the two countries more closely together. France was the enemy of both, and Spain desired a league against her. There was in addition a work of mediation to be done in the Peninsula, for Spain and Portugal were still at war over their old quarrel; towns and villages were laid waste, crops were devastated, and insecurity was prolonged from year to year.

The struggle of Portugal for independence was one of which the new Ambassador knew all the bearings. He was a boy of fifteen when, by a brief and successful revolution, John, Duke of Bragança, asserted his claim to the Portuguese throne and ended the sixty years' captivity. Sandwich had played an actual part in the struggle when France entered the lists, and had shared in the campaigns by which Dunkirk and Mardyck were wrested from the Spanish crown. When he was in Lisbon in 1662 he went as an ally; he talked with nobles who remembered the revolt,

<sup>1</sup> *Carte MSS.*, 221, f. 98: Arlington to Ormond.



and heard from them how Portugal had found herself the vassal of a monarchy which was rapidly losing prestige, and how she had thus suffered great material loss: the positions of profit both in Church and State were then filled by Spaniards, and Portuguese money, stamped with the Castilian arms, was taken to Madrid in order to pay for schemes which concerned only Castile.

Successful as the revolution had been, the blindness and arrogance of the Spaniard refused to recognize the change; and when Sandwich went to Spain the war was more than a quarter of a century old. The Portuguese revolt afforded a wide and profitable field for intrigue, and France continuously and remorselessly hampered the common enemy. She used both combatants for her own ends, and even held out hopes of intervention.<sup>1</sup> Spain was lulled to sleep, "and France helped to rock the cradle."<sup>2</sup> The marriage of Louis XIV. to the Infanta Maria Theresa had opened up great possibilities for the French crown, despite the Infanta's renunciation of her Spanish possessions. By the year 1666 France was playing a bold game, and the mesh of the Spanish succession was already woven into the diplomacy of the period.

It was on such a promising stage, and amid a network of intrigue, that Lord Sandwich was sent to represent our interests in Madrid, and to combat the Ambassador of Louis XIV. He had to cope with the best-instructed diplomatists of his day, and, in his stolid and unimaginative manner, he held his own against the subtlety of the French. His mission was of international importance, for if Portugal were

<sup>1</sup> *Recueil des Instructions: Spain*, pp. 18, 47.

<sup>2</sup> *S. P., For.: Spain*, 51, f. 2.

appeared a league could be formed between Spain and England, in which the Austrian Court was prepared to join, and this triple alliance would have been strong enough to prevent France dismembering the Habsburg dominions by an attack upon the Spanish Netherlands. The results of the work which he was set to do were awaited with as great eagerness in Vienna as they were at St. Germain.<sup>1</sup>

In order to gain a right understanding of his mission, it will be necessary to review the state of affairs in the year immediately preceding his embassy.<sup>2</sup> The power of Spain was upon the decline. Her king, Philip IV., was in uncertain health. He began life with a constitution sadly weakened by the Habsburg craze for intermarriage, and his dissolute habits had further enfeebled his frame. The child of his first wife was the consort of Louis XIV., and Philip's hopes of a successor depended upon the issue of Maria Anna, at once his wife, his niece, and a Habsburg. Of this second alliance only two children survived—a daughter of twelve, just preparing for a further intermarriage;<sup>3</sup> and a son, born in 1661, who had inherited every possible weakness; whose life was with difficulty preserved, who was scrofulous, and unable to walk with safety or to articulate with clearness. On this child hung all the future hopes of Spain, and the actuarial value of his life was of decided interest to Louis XIV.

The decadence of the reigning family was matched by that of the country. Spain was in need of regeneration.<sup>4</sup> Her geographical isolation, standing as she

<sup>1</sup> *Carte MSS.*, 215, f. 220.

<sup>2</sup> *Recueil des Instructions: Spain*, pp. vii, xiii.

<sup>3</sup> In 1666 the Infanta of Spain, Margarita Theresa, married the Emperor Leopold I.

<sup>4</sup> Mignet, *Négociations*, i., p. xxxii.



CHARLES II., KING OF SPAIN

*From a portrait by Herrera*

To face p. 36 of Vol. II



does, thrust out from Europe, had rendered her insensible to the march of events. Her rulers were unable to use the strength of absolutism, and failed to foster the forces of freedom. The Spaniard still looked upon himself as destined only for warfare and conquest. His indolence afforded little hope of economic success, even had the government given aid to the merchant, but the people were oppressed by heavy and ridiculous taxes, and the foreigner engrossed in his factory most of their surplus wealth. The value of money varied from day to day; the finances were in the greatest disorder, and proved unequal to the payment of Maria Theresa's dowry.

The economic stagnation of the country was emphasized by loss of prestige and decrease of territory. Where Spain had claimed a monopoly, the rising naval powers of England and Holland contested her favours. Jamaica had been won by Cromwell, and the Dutch infested the Indies. Our Ambassadors were instructed to extend English commerce in Spanish waters. We coveted the profitable trade in slaves—a trade which the Duke of York “was pleased in a most peculiar manner to support.”<sup>1</sup> We bargained for a monopoly in the logwood of Campeachy. And not only in the colonies, but nearer home, was the glory of Spain fast growing dim. She was harassed by the French “laying about them all ways at once.” The Peace of the Pyrenees was virtually set aside, and the French only officially abandoned their allies. Their help to Portugal was undisguised. It was the French who encouraged the match between Charles II. and Catherine of Bragança; and when the marriage treaty was signed, Mazarin sent his general to lead the British soldiers. By means of English men and French subsidies Portugal

<sup>1</sup> Fanshaw, *Letters*, pp. 60, 167.

defended her independence, and by a series of victories Schomberg broke up the Spanish forces.

At length twenty-three years of intermittent warfare brought about a possibility of peace. The Spaniards were exhausted; the Portuguese fought only by fits and starts, and were eager to enjoy their hard-won independence. There was opportunity for a mediator. French sympathies were too patent. The English influence in Portugal was considerable, and our interests attracted us to Spain. Opportunity for mediation came when the war with Holland gave us need for allies, and our Ambassadors were sent to sound the Courts at Vienna, Copenhagen, Stockholm, and Madrid.<sup>1</sup>

Before Sandwich went out, the conduct of affairs in Spain was entrusted to Sir Richard Fanshaw. He was one of those Royalists who had shared with Charles a penurious and romantic career. Previous experience in Portugal, and a thorough acquaintance with the languages of the Peninsula, marked him out for the task. He had translated a Spanish play and a Portuguese epic. He was a man of great personal charm, and unharmed by the corruption of the Court.<sup>2</sup> He was delightful as a father, irreproachable as a husband. Lady Fanshaw accompanied him to Madrid. She was a worthy mate for such a man, brave and large-hearted, but indiscreet and impulsive.<sup>3</sup> Neither husband nor wife did really well in Spain. Lady Fanshaw verified Clarendon's prediction, "that woman

<sup>1</sup> Mignet, *Négociations*, i., pp. 421, 422.

<sup>2</sup> For an appreciation of Fanshaw, see J. W. Mackail, *Macmillan's Magazine*, December, 1888. Professor Mackail also lectured on Fanshaw before the English Association in June, 1908.

<sup>3</sup> She was at one time a great friend of my Lady Sandwich, who, in writing to her husband, says that her chief friends are Lady Carteret and Lady Fanshaw, "which are most excellent wives that you may know I keep good company" (*Carte MSS.*, 74, f. 366).



will undoe him.”<sup>1</sup> Her open joy at the good fortune of their position led to an accusation of rapacity. It was spread abroad that the Fanshaws affirmed they “came to Madrid to get an estate.”<sup>2</sup> Another report was that Fanshaw refused to go to Portugal without an agreement that he should be well paid if he effected the peace, and that the bargain was made at Lady Fanshaw’s instigation.<sup>3</sup> Indiscretion did not end here. Their friendships were too close, their sympathies too open, for the world of diplomacy. An appeal by Lady Fanshaw for the release of a prisoner brought her a delicately veiled reproof.<sup>4</sup> Her husband lacked patience. “My complaints to this Court,” he writes, “continue almost as constant as the occasions they give for them.” Haste was abhorrent to the Spaniard, and nothing could be gained by murmuring at his dilatory methods.

To fulfil his mission, Fanshaw left England in January, 1664. He received every mark of favour befitting one who had won the blue ribbon of diplomacy. He was sworn of the Privy Council, and received from the King a chain of gold and His Majesty’s picture richly set with diamonds.<sup>5</sup> His journey to Madrid is set forth in his letters and in the memoirs of his wife. They arrived there in June, 1664. Fanshaw was quickly involved in the troublesome question of ambassadorial receptions, and after a year’s sojourn found himself “still entangled in the disputes of his Privileges.”<sup>6</sup> As to the minor matters, which form the appendices to ambassadorial work, he was sufficiently active. He interested himself in the troubles of our

<sup>1</sup> *Hist. MSS. Comm. : Marquess of Bath’s MSS.*, ii. 89.

<sup>2</sup> *S. P., For. : Spain*, 50, f. 239.

<sup>3</sup> *Sandwich MSS. Journal*, v. 400 : Father Duffi to Sandwich.

<sup>4</sup> *Hist. MSS. Comm. : Heathcote MSS.*, pp. 199-203.

<sup>5</sup> *Carte MSS.*, 222, f. 30.

<sup>6</sup> Arlington, *Letters*, ii. 103.



consuls and the wrongs of our merchants, he busied himself over the provision of materials for the fortifications of Tangier, but as to the main points of his mission little headway was made. He had been instructed to adjust a commercial treaty, to obtain for us the position of mediator between Spain and Portugal, and to form an alliance with Spain.

Months passed, but he had nothing to show and no progress to report. For this Fanshaw was not entirely at fault. It was no easy matter to compass friendship while our troops assisted Spain's enemies. The uncertainty of Philip's health and the natural temper of the Spaniard were contributory causes, but Fanshaw bore the blame. Lord Arlington regarded the Ambassador as unbusiness-like in the conduct of arrangements. This he doubtless was. There were complaints of his mismanagement of the cipher, which implied carelessness in its use, and caused irritation and delay.<sup>1</sup> One of Fanshaw's letters to Ormond speaks of an important paper as enclosed, which he cannot now find. "I conclude it must have been left behind in my study at London," he writes. "I have sent now to see if it can be found."<sup>2</sup>

During the whole of 1665 dissatisfaction was expressed with the steps already taken, and with Fanshaw's inclination to act without sufficient advice or warning. The Council was kept in the dark, which put them in a distraction of mind.<sup>3</sup> Before long they had come to regard "the whole negotiation at a stand."<sup>4</sup> The Court blamed Fanshaw for overdoing a threat of return, which had caused consternation among our merchants. In May, 1665, after eleven months had passed, Arlington again wrote that upon conferring

<sup>1</sup> Arlington, *Letters*, ii. 27, 32.

<sup>3</sup> Arlington, *Letters*, ii. 67, 69.

<sup>2</sup> *Carte MSS.*, 34, f. 239.

<sup>4</sup> *Ibid.*, ii. 72.

with Clarendon, and giving an account of all Fanshaw's recent letters to His Majesty, the King was surprised "to see so fair and hopeful a beginning have so ordinary a progress."<sup>1</sup>

The negotiations for a treaty had begun, though in a slow and unsatisfactory manner. It was a difficult business to adjust the commercial relations of the two countries. The jealousy of our colonial expansion was a stumbling-block, but Fanshaw had arranged certain preliminaries with the Duke of Medina de las Torres, and their draft proposals were sent to England in July and considered in the Council. Ill-fortune hampered the work. The raging of the plague, and the prevalent alarm in England, dislocated government, and compelled the Court to move from town to town, so that consideration of the treaty was perforce irregular. The Spaniard also had a period of trouble and mourning. The war with Portugal again blazed out; in June Schomberg attacked the Spanish army at Montes Claros and annihilated their whole force. The blow crushed Philip IV.; he fell sick, and on September 7 he died.

But his death quickened rather than interrupted the agreement, and forced haste upon the negotiators. The new sovereign, Charles II., was a minor, and the conduct of affairs passed into the hands of the Council. Medina pressed a protocol upon Fanshaw, which the latter virtually accepted as a final settlement, despite the omission of certain of his demands. A provision was made that the treaty should be void if not signed by a given date. The home government regarded this clause as derogatory, and looked askance upon the whole affair. On October 22 Fanshaw dispatched a

<sup>1</sup> Arlington, *Letters*, ii. 77.

<sup>2</sup> Mignet, *Négociations*, i. 428 *et seqq.*

draft of the articles.<sup>1</sup> These were acknowledged by Arlington on November 14—not as a draft treaty, but as “papers which will be of use to us, in this very instant that there is a new Body of Articles preparing to present the Spanish Ambassador.”<sup>2</sup> He further intimated that Fanshaw was to await their consideration by the Spanish Court. His next letter showed that he and Clarendon were perplexed, because in a matter of importance only a verbal agreement had been obtained, and that but indefinitely. There is, indeed, abundant proof that the whole affair was worked on a misunderstanding, and that Fanshaw was a disappointment. “Both the Court of Spain, and ours also,” said a writer of credit, “think his management and Proceedings there, very odd, and he is much clouded thereby.”<sup>3</sup> The Ambassador was pledged to an agreement, while the Council was preparing a “new project of the Treaty of Commerce,” based in part upon material furnished by Fanshaw.<sup>4</sup> In this tentative and unsatisfactory state matters stood at the end of 1665.

The doubts of the Council had by then caused the consideration of further steps. The death of Philip IV. necessitated new credentials being sent to Fanshaw, and led to a review of the situation. The negotiations were widened, and became more international in character, and more promising. Arlington regarded the Spanish Government as stronger than before the King's death, and their Council as more united.<sup>5</sup> Our Court had been urged to make common cause with Spain. The war with Holland was drifting on, and England was threatened with diplomatic isolation.

<sup>1</sup> *Hist. MSS. Comm.: Heathcote MSS.*, p. 255. Before his draft was received, the Council was preparing new instructions and credentials (*Carte MSS.*, 34, f. 452).

<sup>2</sup> Arlington, *Letters*, ii. 101.

<sup>3</sup> *Carte MSS.*, 34, f. 537.

<sup>4</sup> Arlington, *Letters*, ii. 103.

<sup>5</sup> *Carte MSS.*, 46, f. 209.

"If we cannot have what alliances we would," wrote Coventry, "lett us have what we can, and make some use of them."<sup>1</sup> The increased activity of French diplomacy was alarming. Expectant of fresh trouble from France, Spain likewise looked about for allies.<sup>2</sup> She had sent to us an Ambassador Extraordinary, the Conde de Molina; and his second, Patricio de Muledi, had just left our shores with every sign of good-will.<sup>3</sup> Both countries seemed anxious for a speedy agreement. It was desirable, then, at such a juncture that our embassy should have fresh life, and that the work should be in hands more imposing, and more consonant with the Castilian love of dignity and display.<sup>4</sup>

The Council chose Lord Sandwich. For such a charge as Ambassador Extraordinary he was eminently fitted. His rank and dignities were considerable; and, though he had represented England at a Court hostile to the Spaniard, the importance of his work there formed a sufficient introduction to another and greater mission.<sup>5</sup> But in England the news of the appointment was received with some misgiving. The importance of the work and the credit of the Ambassador were alike forgotten. The public mind was obsessed with other matters. The mistake over the distribution of the prize-goods bade fair to become more than inconvenient to the King and his brother, to the Chancellor and Sandwich. Withdrawal was politic, and foreign employment was timely.<sup>6</sup> At all costs an inquiry was to

<sup>1</sup> *Carte MSS.*, 47, f. 424.

<sup>2</sup> *Ibid.*, 72, f. 64.

<sup>3</sup> Arlington, *Letters*, ii. 103.

<sup>4</sup> *Ibid.*, ii. 104.

<sup>5</sup> The Conde de Molina told his Government that Lord Sandwich was more fitted than any other man in England to conclude the treaty with dispatch—*brevidad y facilidad* (*Simancas transcripts*).

<sup>6</sup> Paris: *Archives des Affaires Étrangères, Corr. Angleterre*, lxxxvii. 113: M. de Vernueil à M. de Lionne (December 13, 1665). As Sandwich regarded himself employed from November onwards (see p. 45), it seems reasonable to infer that he was appointed between October 24 and November 1.

be avoided, and for this there was the clamour of many tongues. The projected embassy deferred a commission, banished the chief offender, and enabled him to retire with honour. At the beginning of December the appointment was announced; and Albemarle brought the news to Pepys, who was surprised and "heartily glad of it. . . . The King hath done my Lord Sandwich all the right imaginable," he wrote, "by showing him his countenance before all the world on every occasion, to remove thoughts of discontent. . . . His enemies have done him as much good as he could wish."<sup>1</sup> Despite Sandwich being in high favour with Charles, his enemies gave no consideration to his fitness for the post. The Duchess of Albemarle, who began life as a farrier's daughter, was most malicious. Twice she offended Pepys by her untoward spite, and even imputed cowardice to Sandwich.<sup>2</sup> Her gossip was spread broadcast. Her great grievance was that Albemarle succeeded to the command of the fleet, "which," said a newsletter, "occasions his Lady to give all the Court to a bad keeper to keep them."<sup>3</sup>

The jealousy and ill-feeling engendered by such talk overshadowed the political side of the appointment. Someone was needed in Madrid. Doubt as to Fanshaw had been expressed from time to time, and the discontent in Arlington's letters foretold a change of policy.<sup>4</sup> There are, unfortunately, neither minutes nor documents to illustrate the considerations of

<sup>1</sup> Pepys's *Diary*, December 6 and 7, 1665.

<sup>2</sup> *Ibid.*, December 9, 1665, January 10, 1666.

<sup>3</sup> *Hist. MSS. Comm.*, Report vi., p. 336.

<sup>4</sup> *Carte MSS.*, 34, f. 452, October 24, 1665: "Perhaps Sir Richard Fanshaw has not the fortune to prevail with them, unto whom new instructions and credentials are now sending" (Southwell to Ormond). See also Paris, *Archives des Affaires Étrangères, Corr. Angleterre*, lxxxvii. 128: M. Courtin à M. de Lionne.

the Council. Sandwich rarely kept a journal unless actively engaged, and he records nothing between his return with the Dutch prizes and his actual departure for Spain. In writing later from Madrid he dates his appointment from November, and says that even then the embassy was putting him to considerable expense.<sup>1</sup> During November he was frequently at Court, as though something were afoot. Albemarle says nothing of the matter. Clarendon contributes certain evidence, though his account of the affair contains many discrepancies, and his biographer assumes that the appointment of an Ambassador Extraordinary was made in order to shield a culprit.<sup>2</sup> However, Clarendon himself roundly asserts that the work would hardly have been "assigned to any man who was in disgrace."<sup>3</sup> A recent writer has amplified this, and adds that Madrid was not the only place in the world for honourable banishment.<sup>4</sup> There is the fact that the embassy was considered of decided importance—not merely a mission patched up for the transfer of a failure. Even if the Government thought the new appointment convenient to the Court, they regarded it necessary to send someone of repute. Had Fanshaw's work been satisfactory, assistance would have been an insult, and supersession an impossibility.

That there was real dissatisfaction, and real work to be done, is shown by the instructions given to Sandwich. These were drawn up at different dates: first, as supplementary to Fanshaw's; secondly, with some additional paragraphs, which the changed cir-

<sup>1</sup> *S. P., For. : Spain*, 50, f. 257.

<sup>2</sup> T. H. Lister, *Life of Clarendon*. Sir Henry Craik's recent biography of the statesman does not deal with the appointment.

<sup>3</sup> Clarendon, *Life*, iii. 582 *et seqq.*

<sup>4</sup> *Hist. MSS. Comm. : Heathcote MSS.*, p. xvi.



cumstances demanded.<sup>1</sup> Sandwich was bidden to obtain a full account of Fanshaw's proceedings, and then to take over the work with his predecessor's assistance. After the usual compliments and the necessary visit of condolence, he was to emphasize the probable shortness of his stay, and the benefits of English and Spanish friendship. He was to offer mediation between Spain and Portugal. He was given power to rectify the commercial clauses of Fanshaw's treaty, and to incorporate the corrections in his subsequent work. He was bidden to consult mainly with Medina de las Torres, but to allow the advances to come from the Spaniard. Sweden and Holland were suggested as possible partners in a quadruple alliance. Tangier and Jamaica were kept outside discussion, except for a suggestion that, if Spain wished to buy the former, hints of a better customer might be thrown out.<sup>2</sup> An exchange would be considered; but if a league matured, Spain would also have the advantage of Tangier as a naval base. Free-trade in the West Indies was much to be desired as the foundation of a lasting peace. On this point the Spaniard was likely to be obdurate, but we needed some reward for our risk, and could play off against them an alliance with France. Sandwich was also to endeavour to obtain a monopoly of the Spanish wool trade, and to offer in exchange a monopoly of tin.<sup>3</sup> The additional instructions were compiled after the receipt of Fanshaw's treaty, wherein "many things were very inconvenient and perplexed, and others impossible to be ratified in the manner they are transmitted."<sup>4</sup>

<sup>1</sup> The originals are in the *Carte MSS.*, vol. 274, ff. 5 *et seqq.*, and a copy is in vol. 103, ff. 331-346. The date is February 22, 1668. After the first eleven paragraphs, a twelfth begins: "The whole state of affairs having been changed."

<sup>2</sup> Instructions, § 7.

<sup>3</sup> *Ibid.*, § 11.

<sup>4</sup> *Ibid.*, § 12.



In January there came a packet from Madrid which justified the appointment of an Ambassador Extraordinary. Fanshaw sent a further instalment of suggestions, and these were such as to increase Arlington's uneasiness; he "not finding them so exact in all the points relating to the great Trade of that Kingdom as were to be wished."<sup>1</sup> The Council desired the negotiations to be suspended. They were framing new projects and receiving suggestions.<sup>2</sup> Unfortunately they did not understand how far Fanshaw had gone. While they were handing over their proposals to Sandwich, a treaty was signed in Spain. On December 7 the drafts were embodied in a document, signed by Fanshaw and Medina, dispatched to England for the King's ratification, and received here within six weeks. Fanshaw had worked in the dark and without full knowledge. An important letter from Arlington had miscarried, the letter which embodied his latest instructions,<sup>3</sup> but for one mistake Fanshaw alone was to blame. In his eagerness he had allowed the treaty to be drawn up in English and Spanish instead of in Latin, at that time the language of diplomacy.

The Council refused to sign a treaty which they considered would make the Spaniard arbitrator in a dispute.<sup>4</sup> They also took exception to two clauses, and decided that Fanshaw had laid aside the Navigation Act, or at least had given Spain a loophole by which to evade it; and they deemed that the phrase "lawful ships" gave opportunity for the carrying trade of Holland to flourish at our expense.<sup>5</sup> It was thereupon decided to repudiate Fanshaw's work. The

<sup>1</sup> Arlington, *Letters*, ii. 106.

<sup>2</sup> *Cal. S. P., Dom.*, December 23, 1665.

<sup>3</sup> Arlington, *Letters*, ii. 107; *Brit. Mus.: Harleian MSS.*, 7010, f. 555.

<sup>4</sup> Instructions, § 5.

<sup>5</sup> *Ibid.*, § 16.

death of Philip IV., and the consequent lapse of Fanshaw's powers, gave one excuse; the signature in Spanish afforded another. The instructions drawn up for Sandwich were amplified so as to include the new points, and a letter of revocation was prepared for Fanshaw. At the same time he, sanguine and full of hope, and in no doubt about the success of his treaty, was preparing to set out for Lisbon, there to adjust the affairs of Spain and Portugal.

Meanwhile Lord Sandwich prepared for his journey. The selection of a retinue was no inconsiderable matter; mourning had to be prepared, and the various appendages of an embassy collected. The weeks preceding departure were spent in London, in Oxford, and at Hinchbrook. The time was particularly trying for the Ambassador and his friends. "My Lord should sue out a pardon for his business of the prizes," said Pepys, "as also for Bergen, and all he hath done this year past, before he begins his Embassy to Spayne. For it is to be feared that the Parliament will fly out against him and particular men, the next Session."<sup>1</sup> The Court blew hot and cold. At times Sandwich was in full favour, at times he was slighted. The King alone was consistently his friend. York took his cue from Albemarle, and did nothing to temper the ill-fortune of his late colleague. The intrigues for an inquiry into the business of the prizes were kept alive by Coventry. In the Navy Office, Pepys endeavoured not to offend either side; "a very hard game to play," as he said; but he succeeded with his usual tact, and Sandwich appreciated his difficulties and success.

There was a typical scene when "my Lord" walked into the Council, "and sat at the lower end, just as he came, no room being made for him, only I did give him

<sup>1</sup> Pepys's *Diary*, January 17, 1666.

my stoole," says Pepys, "and another was reached me." There is no doubt that Sandwich felt some uncertainty concerning his position; his despondency was indicated by a melancholy face, and he suffered his beard to grow on his upper lip more than usual. He tried to drive away depression by "minding his pleasures too much," but this phase was only temporary, and up to the time of his departure matters gradually mended. Sandwich was then in London with the King and Duke, and in very good humour.<sup>1</sup> The business of the prizes was condoned by a privy seal for the distribution.<sup>2</sup> A grant of £6,000 was made for the transport to Madrid, but it was no easy task to get together the amount, and Sandwich had to draw upon his own resources. Though on paper his fortune was considerable, the payment of money was uncertain, and matters were made worse by indiscretion in the management of his own affairs. He suffered from the most wearing and troublesome of the worries which beset a man, and, harassed as he was, the embassy seemed to cut a knot, and came to him as a relief.

The preparations for leaving London were at length complete, and, following the custom of Ambassadors, Sandwich held a "rendezvous" at his house in Lincoln's Inn Fields.<sup>3</sup> Thither came many leavetakers, some for friendship's sake, some for courtship. From London he journeyed to Windsor, and spent two or three days at Cranborne Lodge, in Windsor Forest. There Carteret had assembled an house-party, including Lord Hinchinbrooke and Sydney Mountagu. On February 25 Pepys arrived, and had his farewell conversations with the Ambassador.

<sup>1</sup> Pepys's *Diary*, January 22, 25, 28, February 2, 14.

<sup>2</sup> *Cal. S. P., Dom.*, January 24.

<sup>3</sup> Pepys's *Diary*, February 23

The latter seemed easier in mind as to the prize-goods, relying on the King's friendship and the good-will of a small party in both Houses. He still feared that the Bergen affair would make a pardon necessary, and was apprehensive as to the result of an inquiry into the sale of Dunkirk. This and other discourse they had, walking together in the park, and Pepys continues: "Then in-a doors, and to talke with all and with my Lady Carteret, and I with the young ladies and gentlemen, who played on theguittar, and mightymerry, and anon to supper, and then my Lord going away to write, the young gentlemen to flinging of cushions, and other mad sports; at this late till towards twelve at night, and then being sleepy I and my wife in a passage room to bed, and slept not very well because of noise."<sup>1</sup>

The morning after this scene of gaiety Sandwich set out for Portsmouth, in order to meet his retinue, and to make the final arrangements for his embarkation. At Portsmouth three ships were provided, the *Resolution*, the *Foresight*, and the *Oxford*, "to assist in transportation and defence,"<sup>2</sup> but Sandwich was delayed, "finding not his affaires in the readiness he expected."<sup>3</sup> The naval stores were unable to satisfy the needs of his men, and his captain lacked the proper complement of sailors.<sup>4</sup> Most of the effects were put on board in London. There is a list among the manuscripts at Hinchingsbrooke, with many additions and corrections in Pepys's hand. The fardel comprised gun-cases, books, bundles of bedding, sweetmeats, strong waters, two iron money-chests, a kettle compass, a theorbo lute, and "the Crymson Damask Estate with the Chayre and Stoole and all other things thereunto

<sup>1</sup> Pepys's *Diary*, February 25.      <sup>2</sup> *Sandwich MSS. Journal*, ii. 6.

<sup>3</sup> *S. P., For. : Spain*, 50, f. 112.

<sup>4</sup> *Cal. S. P., Dom.*, February 17, 25.

belonginge.”<sup>1</sup> As for the retinue, the Ambassador’s train amounted to sixty-six persons. He was accompanied by his son Sydney and three young courtiers, with whom he quickly made friends—Charles Harbord, John Werden, and William Godolphin. A list drawn up in Spanish gives to these the precedence of messing at the Ambassador’s table, and accords a like privilege to the interpreter, chaplain, and private secretary. The gentlemen of the horse, the surgeon, the major-domo, and some others, formed a second table; and three other tables were allotted to the pages, trumpeter, butler, confectioner, and cooks.<sup>2</sup>

Of the retinue, William Godolphin was the most noteworthy.<sup>3</sup> He was sent by Arlington as Secretary to the Embassy, and proved an invaluable ally. At first he found Sandwich reserved and reticent, family characteristics which served him well in diplomacy. Of Godolphin he asked but one question—whether the Council had seen Fanshaw’s letters of revocation.<sup>4</sup> For the rest, their conversation was “wholly of the Winds and Seas,” a slow beginning for a friendship which became close and enduring, but as Sandwich discovered the worth of the man, so he expanded. Before the journey was well over, Godolphin was able to write that the Ambassador “hath shew’d me great Civilityes, and made me happy by his friendship and freedome of Conversation.”<sup>5</sup> Sandwich was no less generous, and wrote of Godolphin’s friendship and assistance in the warmest terms.<sup>6</sup>

The arrangements for the journey occupied several

<sup>1</sup> *Sandwich MSS., Appendix*, ff. 80, 97.

<sup>2</sup> *Ibid.*, *Appendix*, ff. 83, 84.

<sup>3</sup> William Godolphin, educated at Westminster and Christ Church, Oxford, M.A., D.C.L.; knighted in 1668, after the embassy; succeeded Sandwich in Madrid, 1669.

<sup>4</sup> *S. P., For. : Spain*, 50, f. 107.

<sup>5</sup> *Ibid.*, 50, f. 138.

<sup>6</sup> *Ibid.*, 50, f. 257.

days, and not until March 2 could the Embassy set sail. From that day until the conclusion of his work, two and a half years in all, the Ambassador's journal contains a minute record of all news and negotiations, set down by Sandwich or one of his secretaries. The Spanish period requires seven stout volumes of manuscript, and Sandwich has begun them with a motto :

"Fue el vencer cosa laudabile,  
Vencas por fortuna o por ingenio."<sup>1</sup>

The voyage lasted ten days ; a fair wind was followed by a calm ; and then came a storm, "which hindred us from seizinge St. Andero, and was large enough for us to putt into the Corunna." This Sandwich thought "better to doe, than to busque up and down in the sea."<sup>2</sup> On March 12, at two in the afternoon, the *Resolution* and her little convoy were at anchor in the harbour known to sailors the world over as "the Groyne." Their greeting was scarcely cordial. The English salute of twenty-one guns was answered by a paltry three ; and after this interchange of courtesies there began the troubles of quarantine. The story of the plague was known throughout Europe, and foreigners were shy of anybody or anything coming from England. Sailors were requested to spring out their arms and legs, cut capers, and drum upon their bellies.<sup>3</sup> "This Divell or Scar-Crow of the Plague," said one, was meant to shut the ports to England, and open them to all her enemies.<sup>4</sup> When Sandwich arrived, he found that the Governor of Galicia was like to detain the embassy for the full

<sup>1</sup> "To gain is virtue, and to lose is sin ;  
Then win, by judgment or by luck—but win !"

A. C. B.

<sup>2</sup> *S. P., For. : Spain*, 50, f. 131.

<sup>3</sup> *S. P., For. : Portugal*, 7, t. 34.

<sup>4</sup> *S. P., For. : Spain*, 50, f. 157.



forty days. Because a sailor on board the *Resolution* died of excessive drinking, some of the men feared that the ship was really plague-stricken, but apparently the misfortune was concealed.<sup>1</sup>

After three days' delay, Sandwich was informed that a *quinta*—a country-house—was provided for him at some distance from the town. As the Ambassador landed, an adequate salute was given, for a company of foot gave him several volleys, some recompense for the former ill reception. The residence provided proved somewhat mean, and the Ambassador desired a lodging in the Governor's house. This would have been only in accordance with precedent, but Sandwich did not press the point. Instead, he made the best of his *quinta*, where "there was but one great roome above staires, in it three alcoves for beds, and two or three small alcoves more and a kitchen; ill staires and floores, a garden of oranges and lemons and good springe water."<sup>2</sup> His train lodged in the little village of Burgos, of which the journal contains a neat drawing in pen and ink.<sup>3</sup>

The stay near Corunna was not without incident. Part of the retinue had been detained on board the ships, despite the Ambassador's protests and his assurance that the vessels were needed for our fleet.<sup>4</sup> While delayed off Corunna the ships managed to take part in the minor warfare of the time. The *Foresight* captured a vessel laden with salt, which Sandwich hoped would prove Dutch property and a fair prize. A Spanish protest overrode the rules of war, and application was made for the restitution of the vessel.<sup>5</sup> The English pleaded contraband, but after much dispute and correspondence the Ambassador gave way,

<sup>1</sup> *Sandwich MSS. Journal*, ii. 14.

<sup>2</sup> *Ibid.*, ii. 16.

<sup>3</sup> *Ibid.*, ii. 41.

<sup>4</sup> *Ibid.*, ii. 32.

<sup>5</sup> *Ibid.*, ii. 30.



"to demonstrate our kindnesse," as he said, and the salt was sold to the Customs officers. Two more prizes were taken, and one contained above 300 pipes of canary, a welcome addition to the stores.

While confined at Burgos, Sandwich addressed himself to the business of the embassy, and sent Werden post to Madrid. The messenger was stopped three leagues outside the town; he was duly fumigated and kept under observation, and an attempt was made to obtain his letters.<sup>1</sup> He was able, however, to see Fanshaw, and on April 7 he returned to Corunna. He brought with him numerous papers, and the unwelcome and unexpected news that the Ambassador was to provide both the mules and provisions for his retinue.<sup>2</sup> This new charge was expensive, and lacked precedent. The treatment was an aggravation, for both King and Ministers had assured Sandwich that the expense would be defrayed. "I doe not find myself used according to the Queen's expression for me," he wrote to Clarendon, "that as much should be done to mee as to the embassadours of the greatest princes."<sup>3</sup> A litter, a coach, and two saddle mules, were provided by the Queen, and on April 17 these arrived.<sup>4</sup> They were of course insufficient, but to await more pack animals would have meant at least a month's delay.<sup>5</sup> The Spaniards would have argued and dallied, and the Ambassador would have borne the blame. Mindful of his predecessor's troubles, Sandwich was content with a formal protest, and made his own arrangements for transport.<sup>6</sup> Two days later,

<sup>1</sup> *S. P., For.: Spain*, 50, f. 157.

<sup>2</sup> *Sandwich MSS. Journal*, ii. 40.

<sup>3</sup> *Bodleian Library: Clarendon MSS.*, 84, f. 144.

<sup>4</sup> *Sandwich MSS. Journal*, ii. 48; *S. P., For.: Spain*, 50, f. 179.

<sup>5</sup> *S. P., For.: Spain*, 50, f. 213.

<sup>6</sup> *Sandwich MSS. Journal*, ii. 44, 50.

however, 100 mules were sent from Madrid, and the matter was settled. A further trouble was the task of finding money. In a corner of the country where commerce was inconsiderable, the necessary 3,000 *pistoles* were hardly to be got. Barter was impossible without goods, and Sandwich had not prepared for such transactions. Some days were needed to overcome this trouble, but on April 27 the whole caravan of some fourscore persons set out for Madrid.

The road led through Astorga and Valladolid, and Sandwich enjoyed his novel experience. Sometimes he journeyed through the mountains on a mule, sometimes he rode in a coach or litter. At the entrance to the towns he was welcomed by the magistrates in their long black cloaks, and with maces in their hands. At one monastery where he stayed he was treated by the monks with trout, sweetmeats, and wine, and he inspected jewels and robes, or relics such as the little phial which contained the Sacrament turned into flesh and blood. A Bishop sent him "partridges, henns, bacon and kidds." At a convent he was entertained by the nuns with "wine, snowed sweetmeats and musique"; on another day he and his suite dined under the trees "in the highway by a spring-side." Sometimes the country reminded him of Northamptonshire with its "little hills, well cultivated"; at another stretch it was barren and precipitous, at another flat, like the fens. He passed the great flocks of sheep, whose wool was so much prized in England, and saw the town of Rio Seco, which supplied the inland parts of Spain with English cloth. As he passed along he noted the characteristic buildings, inspected several rich collections of pictures, saw the Escorial near by, and was tempted to turn aside and

visit the archives of Simancas, but he put his business first, and hurried on. As he neared his destination he was met by the royal coach, drawn by six mules, and in this he concluded his journey. On May 17 Madrid was in sight, and on the following day Sandwich reached El Pardo, the King's country residence, a place frequently pictured on the canvas of Velasquez. Here he was received by the Master of the Ceremonies, many of the merchants and members of the English colony, and by Sir Richard Fanshaw.<sup>1</sup>

From his colleague the Ambassador Extraordinary learned all that had taken place during the early months of the year. While Sandwich was completing his arrangements and making the journey, Fanshaw engaged in an unfortunate negotiation. It was decided that he should attempt the settlement of a thirty years' truce between Spain and Portugal. A form of treaty was prepared for presentation to the Portuguese Crown. On January 6 Fanshaw put this in his pouch, and left Madrid. He was buoyed up by the fancied success of his commercial treaty, little knowing that it had been repudiated in England. Sanguine he set out, and saw favourable omen in the Spanish desire for peace;<sup>2</sup> for he was "entertained with an abundance of good words and prayers which their owne interest suggested."<sup>3</sup> He was misled by the Spaniards' vanity, which made them expect that the Portuguese would accept any terms that were offered. The journey was

<sup>1</sup> The account of the journey is in the *Sandwich MSS. Journal*, vol. ii., and short accounts are in the *Carte MSS.*, 75, ff. 432, 439. The originals form interesting reading side by side with the memoirs of Lady Fanshaw, Bonnecasse, Aarsens van Sommerdijk, and Madame d'Aulnoy.

<sup>2</sup> *Hist. MSS. Comm.*: *Heathcote MSS.*, 233. The date given here is in the English style. It was January 16 in the New Style.

<sup>3</sup> *Sandwich MSS. Journal*, iii. 253-275: Parry's narrative, a very valuable document for the embassy, for Parry was the secretary who accompanied the Envoy.

to be "but a riding in triumph," and Fanshaw relied overmuch upon his previous favour at the Portuguese Court.

France had sent thither a formidable rival, the Marquis de St. Romain, whose business was to nullify all possible negotiations of the English.<sup>1</sup> At first the people cursed the Frenchman's coming, "having gott it among them that it is to foment the warr, and they doe as much cry up the King of England, who endeavours to procure them Peace"; but they desired peace with honour, "though they should perpetrate a warre till they eat their flesh, and the stones they walked on."<sup>2</sup> They did not wish for a truce, which would effeminate their soldiers, and be "but a taking of breath to fight the point over again." They hoped for a lasting peace, and for their Sovereign the title of King. When Fanshaw came, he brought them neither. His address was to the "Crown of Portugal," and his mediation a thirty years' truce. His journey ended on January 27, when he arrived near the Portuguese Court, at the hunting-box of Benavente.<sup>3</sup>

There Fanshaw found reinforcement. The English Government had sent Sir Robert Southwell as special envoy to "mediate the peace" in Portugal.<sup>4</sup> He was a young man of good address, proud of his work, and distinctly able. He had all the enthusiasm needed, but was not so sanguine as Fanshaw. Southwell arrived at Salvaterra four days before his colleague.<sup>5</sup> Negotiations were then set on foot. The Portuguese entrusted their case to the Conde de Castel Melhor

<sup>1</sup> *Recueil des Instructions: Portugal.*

<sup>2</sup> *S. P., For.: Portugal*, 7, ff. 34, 43.

<sup>3</sup> The Court was at Salvaterra, about two leagues away.

<sup>4</sup> Sir Robert Southwell (1635-1702), B.A., Queen's College, Oxford; Lincoln's Inn; Commissioner of Prizes. Knighted 1665; Envoy to Portugal 1665.

<sup>5</sup> *Sandwich MSS. Journal*, vol. iii. : Parry's narrative.

and Antonio de Sousa, Secretary of State. The French Ambassador was for a time ignored, because the Portuguese imagined that Fanshaw brought the title of King. Immediately it was realized that this was wanting, the slight "put them all into a high mutiny"; overtures were "flatly denied," and for five days nothing could be done. Southwell was received as Envoy, but the Ambassador could not obtain an audience. The story of his mission spread abroad; the common people complained that such conditions as were offered "would ruin them and their posterities," and strange expressions were thrown out against him.<sup>1</sup> The Portuguese were elated with victory, and in no mood to treat with a man who wished them to compromise upon its fruits.<sup>2</sup> They had their own ideas as to terms, and Castel Melhor formulated a draft of their proposals, which included a recognition of the title, the liberty of all prisoners, the restitution of forfeited estates, and retention of the captured cities.<sup>3</sup> He added a promise to keep free from negotiations with the French until the end of March.<sup>4</sup> On February 11 the project was signed by Castel Melhor, Fanshaw, and Southwell, and two days later the Englishmen set out for Spain, in order to lay the demands of Portugal before the Council.

They arrived in Madrid on February 26. The story of their ill-success had reached the town, and Southwell found "the whole Court like men disappointed of their expectations, some blaming his Excellency, others the Duke of Medina." The project received short shrift. On March 2 it was presented to the Council, who "imitated the proceedings of Portugal by sending back the same immediately." The proposals were re-

<sup>1</sup> *S. P., For. : Portugal*, 7, f. 58.

<sup>2</sup> *S. P., For. : Spain*, 50, f. 140.

<sup>3</sup> *Ibid.*, 50, f. 237. An original is in *Treaty Papers : Spain*, 66, f. 55.

<sup>4</sup> *S. P., For. : Spain*, 50, f. 140.

garded as extravagant and impossible, and the Spaniards pretended wonder at their being offered.<sup>1</sup> Causes of indignation were multiplied. So confident had been the expectation of a peace that the preparations for war had been proportionately slackened. Barely 5,000 men were under arms, and Portugal could muster five times that number. The Spaniard, in a sudden fear, began the speedy raising both of horse and foot.<sup>2</sup> The blame of all this expense was laid on Fanshaw.<sup>3</sup> "He lies under a cloud," wrote Godolphin, "and the Spaniards are generally displeased with him even in this remote corner."<sup>4</sup> Southwell reported that Fanshaw and the Ministers had fallen out.<sup>5</sup> Sir Richard himself regarded Spain as "highly incensed and scarce likely to listen to reason."<sup>6</sup> Day by day he withdrew more from affairs, and cast more work upon Southwell.<sup>7</sup> The whole mission had proved a failure, and the journey to Portugal had served to increase the legacy of difficulties which Fanshaw bequeathed to his successor.

It was during this ill-fated journey that the news of Sandwich's appointment reached Spain, and his coming allowed the Spaniard time for protraction and delay. The appointment was a bitter blow to Fanshaw—the knell of all his hopes. He heard the news while at Benavente. Disappointed as he was, Fanshaw behaved with the utmost chivalry, courtesy, and loyalty. He wrote, "I cannot count it bad news," and assured the Spaniards that the new Ambassador's talents and rank made probable some fresh negotiations of importance.<sup>8</sup> Lady Fanshaw behaved far

<sup>1</sup> *S. P., For.: Spain*, 50, f. 116.

<sup>2</sup> *Ibid.*, 50, f. 117.

<sup>3</sup> *Hist. MSS. Comm.: Heathcote MSS.*, 239.

<sup>4</sup> *S. P., For.: Spain*, 50, f. 278.

<sup>5</sup> *Ibid.*, 50, f. 215.

<sup>6</sup> *Ibid.*, f. 168.

<sup>7</sup> *Ibid.*, 51, f. 269.

<sup>8</sup> *Hist. MSS. Comm.: Heathcote MSS.*, 236; *Brit. Mus.: Harleian MSS.*, 7010, f. 561.



otherwise. She was furious, and expressed herself in no measured terms. Her letters burn with anger against Arlington and his canting language—sending his cast general to reap the fruit her husband had sown.<sup>1</sup> She displayed the greatest indignation against all who had any hand in the Extraordinary's appointment, for she deemed her husband foiled unjustly in his most conspicuous endeavour. In addition she asserted the change unwelcome at the Spanish Court.<sup>2</sup> Her husband was outwardly unmoved; he undertook to predispose the Court in his successor's favour, and his successor appreciated his "civill and friendly expressions."<sup>3</sup> When Sandwich arrived at the Groyne, correspondence began, and continued until Fanshaw received him on his arrival in Madrid.

On May 18 Sandwich entered the city, and was lodged in the house of one of the grandees.<sup>4</sup> He at once took up the business of his embassy. He went over the commercial treaty with Fanshaw, ran through the exceptions, and heard Fanshaw's answers.<sup>5</sup> Sir Richard withdrew, for the Spaniards made the new Ambassador's arrival an excuse to vent their indignation on him, so he "kept home, and forbore all negotiating to his dying day."<sup>6</sup> His predecessor thus discredited, Sandwich quickly determined to take over the work, unhampered by advice and unprejudiced in Spanish eyes. Gossip had spread that he carried letters of revocation, and Fanshaw's secretary sought to have this confirmed. Gossip was right. Two days after his arrival the Ambassador delivered the letters.<sup>7</sup>

<sup>1</sup> *Hist. MSS. Comm.*: *Heathcote MSS.*, 225.

<sup>2</sup> *Ibid.*, 229.

<sup>3</sup> *S. P., For.*: *Spain*, 50, f. 137; *Clarendon MSS.*, 84, f. 144.

<sup>4</sup> *Sandwich MSS. Journal*, ii. 115; *S. P., For.*: *Spain*, 51, f. 36. One authority says the Marques de Colaris, another Santa Cruz.

<sup>5</sup> *Sandwich MSS. Journal*, ii. 118; *Brit. Mus.*: *Harleian MSS.*, 7010, f. 605.

<sup>6</sup> *S. P., For.*: *Spain*, 51, f. 269.

<sup>7</sup> *Sandwich MSS. Journal*, ii. 120.



From this time Fanshaw's sun rapidly set. On him fell the formal work of presenting the new Ambassador to the Queen-Regent,<sup>1</sup> which was done at a private audience on May 27, when the new Ambassador presented his letters and credentials, and made a speech of condolence upon the King's death. Two days later Sandwich wrote: "Beinge the Kinge my master's birthday my Lord Embassador Fanshaw gave me and all my comrades, the Marquesse of Baijdes and the Master of the Ceremonies, Don Patricio de Muledi, and many of the English merchants a noble treat and collation at 6 a clocke in the eveninge."<sup>2</sup>

This was Fanshaw's last public act. On June 6 he fell sick, "beinge stricke with a cold ayre as he slept after Dinner."<sup>3</sup> Ten days later the physicians despaired of his life.<sup>4</sup> Sandwich went to him and embraced him, "when his hands were cold, and life hastening to expire, yet had hee perfect sence."<sup>5</sup> The dying man was surrounded by grandees; one Duchess "brought with her reliques which she beleevd to have done greate Miracles and layd them upon the Pillow by him out of goodwill." Even Lady Fanshaw's protests could not obtain for him a peaceful end. He was sorely troubled by the importunities of the priests: not until he declared his strict adherence to the Church of England was he left alone.<sup>6</sup> He died on the night of June 16. Worry had aggravated his illness, and rendered him incapable of a rally.

To his wife the blow was terrible, the more so if she ever heard how some laid his ill-success at her door. "Sure I am," wrote Colston to Williamson, "that Woman's Councell is scarce ever good in matters of

<sup>1</sup> *Sandwich MSS. Journal*, ii. 126.

<sup>2</sup> *Ibid.*, ii. 134.

<sup>3</sup> *Ibid.*, ii. 150.

<sup>4</sup> *Ibid.*, ii. 168.

<sup>5</sup> *S. P., For. : Spain*, 51, f. 150.

<sup>6</sup> *Sandwich MSS. Journal*, ii. 172.

State, and in Public Imploymente the Princes and Countrey's good must bee the Only Marke."<sup>1</sup> Poor Lady Fanshaw was full of affection and ambition. The object of both had gone, and she found herself in a strange land, sole guardian of several young children. Her husband's moneys were unpaid, and she was compelled to join the band of petitioners to the King.<sup>2</sup> From the Queen of Spain she received a present of some 2,000 *pistoles* in place of the ambassadorial jewel which would have been presented to her husband. Her coach and horses, and lumber, she sold to Sandwich, and her plate was dispersed.<sup>3</sup> With the money thus gained she set out for England. Her husband's body was embalmed and sent to Bilbao, where she took charge of it. "Their entrance into Spaine and departure from it doe lively represent the greatnesse and glory of this world, never any Embassador, wife and childeren came hither with greater Content, and never any did depart with lesse; God comfort the afflicted."<sup>4</sup>

## II. THE OPENING OF NEGOTIATIONS.

"Every one of them eyther is of him selfe so wise in dede, that he nedeth not, or elles he thinketh himself so wise, that he wil not allowe another mans counsel."—MORE: *Utopia*.

Before Fanshaw's death Southwell left Madrid.<sup>5</sup> His presence there was superfluous, and Sandwich wished to use him in Lisbon; "to watch and hinder the French overtures from taking place, and to dispose

<sup>1</sup> *S. P., For. : Spain*, 51, f. 222.

<sup>2</sup> *Cal. S. P. : Dom.*, February 7-15, 1667.

<sup>3</sup> Lady Fanshaw, *Memoirs*, p. 198.

<sup>4</sup> *S. P., For. : Spain, News Letters*, 91, f. 220. See also f. 71, which asserts that she was "uncivilly treated" on the journey.

<sup>5</sup> He left on June 12. The Queen gave him a jewel valued at £355.

them to agree to a Truce with the Title of King.”<sup>1</sup> When he had thus established relations with Portugal, the new Ambassador began his work. On June 20 he had his public audience. He was conducted to the palace by several officials of the Court. The Queen sent her coaches, and three of Lady Fanshaw's were used. Horses from the royal stables were provided for the train, and “the audience of condolence was done with great dignity, which pleased the Spaniards, who said it excelled anything they had seen.”<sup>2</sup>

“About 12 o'clocke at Noone,” writes Sandwich, “I gott upon horsebacke and rode alonge the Streetes to the Palace within the Gate, where we alighted and went up to the Presence of the young Kinge . . . I gave him the compliment of the *Pessame* from the Kinge my master. He is a very fine child about four yeares of age. The multitude of company in the room discomposed him that he cried and said '*que se vayan, que se vayan Todos.*' From him we went to the Queen's Presence.”

There the Ambassador made a complimentary speech through his interpreter, and presented his credentials.

“Then,” Sandwich adds, “my sonn Sydney and all my Comerades passed before the Queene and made her reverence. After which I tooke my leave and was conducted alonge the Side of the roome by all the Ladyes of Honor to whom wee payed respects and soe were Conducted downe againe by the Same persons, and returned home in a Coach of the Queenes with four Horses (the Course which is used in this Court to all Embassadors whatsoever).”<sup>3</sup>

The embassy was now formally launched, and, after assuring himself as to precedence and etiquette, Sandwich visited various members of the Council, and

<sup>1</sup> *Sandwich MSS. Journal*, ii. 146.

<sup>2</sup> *S. P., For. : Spain*, 51, f. 158.

<sup>3</sup> *Sandwich MSS. Journal*, ii. 176-190.

arranged to confer with them. From the Council was chosen a *Junta*, or Committee, to treat with the English Ambassador. It was composed of three members, the Duke of Medina de las Torres, the Conde de Peñaranda, and an Austrian, Everard Nithard. "This election is very good," wrote Southwell, "being indeed the floure of what they could choose . . . and what these can be brought to, there is not much danger it will be controlled."<sup>1</sup> Medina, a typical grandee, acted as first minister of the Crown. The negotiations afforded him a chance of regaining his prestige, impaired as it was by his part in Fanshaw's failure. Peñaranda had gained his diplomatic experience at Münster, amid the negotiations of 1648. His sympathies were considered strongly French, and he was credited with being in the pay of Louis XIV. Of "choleric and hasty temper," he was intensely jealous of his colleagues.<sup>2</sup> Nithard was the Queen's confessor—one of those ecclesiastics who used his place to further his political position. He began life as a cornet of horse, and he was said to be a brother of the Emperor's *valet de chambre*.<sup>3</sup> To the Spanish grandees he was nothing but an upstart. His sympathies were entirely Habsburg, and he exercised considerable influence over the Queen-Regent, who was a woman of sluggish temperament, devoted to religion and the pleasures of the table. Nithard absolutely governed her mind, though he was deemed "of small skill in politics, and sillogistical in argument."<sup>4</sup> By intrigue and influence he attained the post of Inquisitor-General; he was supported in his quest by Medina, and opposed by Peñaranda.<sup>5</sup> His position was a strong one, owing to the Regent, and he

<sup>1</sup> *S. P., For.: Spain*, 51, f. 118.

<sup>2</sup> *Sandwich MSS. Journal*, ii. 142.

<sup>3</sup> *Ibid.*, iv. 87.

<sup>4</sup> *Ibid.*, v. 144.

<sup>5</sup> *Ibid.*, ii. 404.



MARIA ANNA, QUEEN REGENT OF SPAIN

*From a portrait by Herrera*

To face p. 64 of Vol. II



had the better of the exchanges during a minority which gave ample scope for distrust and intrigue.

The three members of the *Junta* were eternally jealous, "all factions and blind conceit," and Sandwich had no easy course to steer. If he applied to one, the others were up in arms. Each desired the whole management of the treaty; each paid him secret visits or sent their emissaries. Of these the chief was a creature of Medina's, Patricio de Muledi, to whom the *Junta* entrusted the opening of the negotiations.<sup>1</sup>

The proposal put forward by the Spaniards was the formation of an offensive and defensive league, incident to the immediate ratification of Fanshaw's treaty; their obvious anxiety to sign this, drew attention to the place it held in their favour. Their excuse to Sandwich, he says, was "that they would be in doubt how to proceed at all with mee in any Treaty when my Master had not ratified a Treaty concluded by his ambassador armed with full Authority for the same, which was a violation of the law of Nations." At first they held stiffly to this attitude, and at the end of two months' bargaining it still appeared that progress was impossible, unless Fanshaw's treaty were formally ratified.<sup>2</sup>

Medina was most active in urging this course. On June 24, the day following a Council, he made Sandwich a visit "with all manner of splendor"; he was generally gorgeous with a "chain of diamonds athwart his body; a mighty rich diamond hatband, and a chain of diamonds wherein hung his order." The

<sup>1</sup> *Sandwich MSS. Journal*, ii. 139-141. Muledi, or Omuledi, was of Irish extraction, and had been in England upon a special mission. He was said to have bought a house in Kent with the money given him to bribe an English party at Charles II.'s Court.

<sup>2</sup> *S. P., For. : Spain*, 51, ff. 232, 257.



two men conferred upon public affairs.<sup>1</sup> The English Ambassador was quick to assert that Fanshaw's powers were broken by Philip's death, and that the King was not pledged to any treaty. Medina stoutly maintained the contrary; "in fine," says Sandwich, "the Duke told mee his opinion that if I begann the Conference upon this point and the reason given him it would overthrow my whole negotiation."<sup>2</sup> But Sandwich was immovable, and undisturbed by reiteration. He had witnessed in England the review of Fanshaw's work and the dissatisfaction of the Council. His business was to correct, not to confirm, and he politely refused to go beyond his instructions. How far these went the Spaniards were not clear. They had hoped much from the coming of a new Ambassador, and exaggerated his discretionary powers. Their faith in his free hand was a continual difficulty during the negotiations.<sup>3</sup> They imagined in turn that Sandwich had powers to confirm Fanshaw's treaty, to patch up a peace on any terms, or to suggest a favourable league.

Their ideas came out at the first conference with the Commissioners, which was held on June 29 in a private room of the Royal Palace. The selection of this room appeared to the French Ambassador to bode a lengthy and insincere negotiation.<sup>4</sup> Most of the conferences were held here, and Sandwich describes it as looking over Madrid, with a view of town and river, "the pleasantest visto . . . both wayes that ever I saw: in view of the Escuriall . . . and many lovely fields and villages, and the mountains of Guadarama." The room was carpeted with velvet, and hung round with pictures after Rubens. The Spaniards sat at one side of a long table, the English at the other. The con-

<sup>1</sup> *Sandwich MSS. Journal*, ii. 202.

<sup>3</sup> *Ibid.*, iv. 102.

<sup>2</sup> *Ibid.*, ii. 204.

<sup>4</sup> Mignet, *Négociations*, i. 466.

ference was a babel of tongues. Medina talked in Spanish ; Sandwich talked at first a mixture of French, Latin, and Spanish, but before he left Spain he always spoke and wrote in the language of the country. Peñaranda, Nithard, and Godolphin, spoke in Latin, the Confessor speaking with great purity and elegance.<sup>1</sup> An interpreter was kept within call, and the Secretary of State, Don Pedro Fernando del Campo, was also present, and, like Godolphin, "sate covered."

At this first conference Sandwich delivered a sketch of his mission, which embraced a league for mutual aid and defence, a business which his master had instructed him to press on as rapidly as might be.<sup>2</sup> This, he stated, was "the principal end of his negotiation." He next pointed out the impossibility of ratifying Fanshaw's treaty, especially in the Spanish tongue : the *Junta* maintained that Fanshaw brought them the treaty in Spanish, and in his own hand.<sup>3</sup> Some discussion was given to the affair of Portugal, but without any result or forecast.<sup>4</sup> Thus the meeting ended. The news letters reported that Sandwich and Godolphin "keep all close, but looke very merrily on it, and understanding Spaniards say their necessity will oblige them to close with England."<sup>5</sup>

Such news was premature, for the difficulties were many. Not only was the Spaniard hard to cajole, but the rivalry of the French Ambassador gave Sandwich ample cause for anxiety. Georges d'Aubusson de la Feuillade, Archbishop of Embrun, was an important personage. For four years he had represented his country in Madrid, and under Louis' guidance was plied with instructions, the while "French money

<sup>1</sup> *S. P., For. : Spain*, 51, f. 191.

<sup>2</sup> *Sandwich MSS. Journal*, ii. 214.

<sup>3</sup> *Ibid.*, ii. 226.

<sup>4</sup> *Ibid.*, ii. 220-228.

<sup>5</sup> *S. P., For. : Spain, News Letters*, 91, f. 220.

walked up and down.”<sup>1</sup> He had watched with satisfaction the failure of Fanshaw’s schemes ; and when Sandwich arrived, the Archbishop was ordered “to traverse his negotiation.”<sup>2</sup> Proposals for mediation were put forward by the French. The Queen had refused them in March,<sup>3</sup> but subsequently there was an apparent reaction in their favour.<sup>4</sup> Their Ambassador was informed, however, that it was necessary Sandwich should be heard. The offers of mediation were suspended, and the Frenchman could only endeavour to influence the trend of Spanish thought. He was able to make out a case. In conversation with Medina he pointed to the Peace of the Pyrenees. This, he maintained, had settled all outstanding differences between France and Spain, while with England the Spaniards were still disputing over the Indies and their commerce. He represented England as working for her own ends, and as an unsuitable mediator, both by reason of her interests and her faith. The appointment of a *Junta* to treat with Sandwich led to a request on the Archbishop’s part for a similar privilege. Medina played with the probability of a rival conclave, and the Archbishop for a time regarded him as hot in the French interest.<sup>5</sup> While he was writing thus to Louis, the Spaniards furthered their negotiations with Sandwich.

The offers of France, sincere or not, provided the *Junta* with a foil to those of England. On July 7 Muledi was sent to Sandwich, bewailing the industry of the French Ambassador.<sup>6</sup> He affirmed that the

<sup>1</sup> *S. P., For. : Spain*, 51, f. 149.

<sup>2</sup> Mignet, *Négociations*, i. 468.

<sup>3</sup> *S. P., For. : Spain*, 50, f. 133.

<sup>4</sup> *S. P., For. : Spain, News Letters*, 91, f. 322.

<sup>5</sup> Mignet, *Négociations*, i. 464-476.

<sup>6</sup> *Sandwich MSS. Journal*, ii. 250.

Council of State had voted for the end of all negotiations with England. Then he emphasized Medina's friendship, and endeavoured to sow distrust of his colleagues. He declared that only Medina was to be trusted, and that Peñaranda and Nithard were "absolute Hollanders."<sup>1</sup> A week later he said to Godolphin :

"The Councell of State had resolved to Treat with the French and to delay and Postpone the Treaty with England, reproaching our King with breach of faith in not ratifieng; vilifieng his marriage with Portugal as callinge it marrienge the daughter of a rebell (in contradiction to the argument my Master uses of his marrienge the daughter of a Kinge and therefore could not judge it unfitt that he should insist on the Title of a Kinge) which they agravate in respect K. CH. 1st suffered by the hands of rebels."<sup>2</sup>

In addition to threats of an agreement with France, Muledi made capital of our political situation. He lamented the ill news of revolts in Ireland and Scotland, and predicted a revolution so considerable as to embroil the whole of our islands. Of our influence in Portugal he was frankly contemptuous, especially since the Duc de Beaufort had been off Lisbon, dazzling the Portuguese with naval demonstrations.<sup>3</sup> And to pile threat upon discouragement, Muledi went so far as to affirm "that France will make a league for 20 years with Spayne, and give in Garrantie all his allies (Swede included), that he and they will bend their forces against England, and all the rest against such

<sup>1</sup> *Sandwich MSS. Journal*, ii. 256.

<sup>2</sup> *Ibid.*, ii. 300.

<sup>3</sup> Paris, *Archives des Affaires Étrangères : Corr. Portugal*, v. 151. St. Romain, writing to de Lionne (June 13, 1666), states that the arrival of French vessels will persuade the Portuguese that the English are not effectively masters of the sea, as they wished to make all believe; and this will be a set-back to the great respect which Portugal has hitherto displayed for England.

of their allies as shall at any tyme fall off and join with England.”<sup>1</sup>

Despite these veiled threats and the pessimism of Muledi, Sandwich went quietly about his business, recording in his journal the events of the day; commenting but little, and settling down to forward a successful conclusion to the embassy. The report sent to Louis of his speedy recall was contradicted in fact, when on July 16 Sandwich took over Fanshaw's old house, and moved to the Siete Chimeneas.<sup>2</sup> This was a permanent residence for Ambassadors, and the move foreshadowed lengthy negotiation.

The negotiations were indeed lengthy, and for a time very tedious. Those undertaken during 1666 divide naturally into two well-defined periods. The first of these ended in August; the second period began in September, and lasted until the close of the year. The procedure for business must be borne in mind. A suggestion made by Sandwich was first discussed by the *Junta*: Medina, Peñaranda, and Nithard. They in turn reported upon the business to the Council of State, the administrative power during the minority of the King. The Council debated the point under discussion, and summed it up in a decree.<sup>3</sup> The decree was announced to the *Junta*, the more easily as its members were also members of the Council. They then informed Sandwich of the progress made. During 1666 several conferences took place between the Commissioners and the Ambassador, and the results were discussed at about a dozen meetings of the full Council.<sup>4</sup>

<sup>1</sup> *Sandwich MSS. Journal*, ii. 304.

<sup>2</sup> *Ibid.*, ii. 308.

<sup>3</sup> *Simancas Archives: England*, Legajo 2538.

<sup>4</sup> The Archives at Simancas do not always give the number of the Council, but that held on November  $\frac{1}{2}$  is numbered viii.

During the first of these periods little could be done. Sandwich laid most stress on the question of mediation. This was not an easy matter. Portugal had not withdrawn her demands for an unqualified peace and the title of King. She would only treat *de Rey al Rey*. Spain cried out against these demands, and declared England bound to force Fanshaw's proposals on the Portuguese.<sup>1</sup> Such an attitude was overbearing, and frankly impossible. The Ambassador recognized this, and waited for some moderation, some advances from Spain. On July 8 Medina broached the subject, desiring a relaxation of the Portuguese demands, but Sandwich disclaimed power "either to temper or mitigate the title." Instead of a peace, the Duke proposed a truce for thirty years, with the King of England as security, "both sides enjoyinge what they have at present."<sup>2</sup>

Any hope of an agreement was made doubly difficult by the King's minority. It was claimed that the cession of the title would create a mutiny, the Queen would be clapped in a convent, and the Council torn in pieces.<sup>3</sup> The *Junta* feared to do it, "lest they should lose their heads when the young King comes of age."<sup>4</sup> The Queen-Regent refused responsibility; "as tutoresse she gives what is not her own."<sup>5</sup> The Council and the Church also advised against the concession, and inclined to a league with France, through which the desired accommodation might be brought about.<sup>6</sup> The Spanish had offered to treat with "the present government of Portugal," and insisted that the word "King" was mere obstinate vanity, since it was

<sup>1</sup> *S. P., For. : Spain*, 50, f. 237; *Simancas Archives : England*. Legajo 2538, f. 144.

<sup>2</sup> *Sandwich MSS. Journal*, ii. 270.

<sup>3</sup> *S. P., For. : Spain*, 52, f. 68.

<sup>4</sup> *S. P., For. : Spain News Letters*, 91, f. 320.

<sup>5</sup> *S. P., For. : Spain*, 50, f. 174.

<sup>6</sup> *Ibid.*, 51, f. 257.



implied in the address. They argued that the full title needed no mediator. If Spain were to concede the whole of a major point, then arbitration was a farce, and the country might as well have the full credit her generosity afforded. Such was the Spanish attitude, and a grandee was told off to expound it to Sandwich. But the English Ambassador adopted an uncompromising and haughty tone. He replied that, in any arrangement, "Portugal durst not concur without us, for if they should displease England our power at sea would ruin them, since theire country depended upon Commerce both of Europe and the Indies."<sup>1</sup>

When the Spaniards saw that Sandwich insisted on proper consideration, they shifted their ground, and attempted to divorce him from Portuguese interests. They suggested separate consideration of the commercial and Portuguese questions. If an agreement were made upon the first, they hoped for a league with England, subtly framed, in order to involve the English in hostilities against Portugal. Their scheme was brought forward at the *Junta* of July 30,<sup>2</sup> but Sandwich had studied his instructions, and profited by Fanshaw's failure. He was determined not to make any engagement which should tie his hands as to Portugal. An equitable settlement was to be the crown of his work, and he regarded the kingly title as essential. The question of a truce between Spain and Portugal was another matter. Muledi argued that a truce for a definite number of years was more secure than a peace, because the latter carried no guarantee that war might not at any time break out. To set Portugal free was dangerous, on account of

<sup>1</sup> *Sandwich MSS. Journal*, ii. 342. See also *Clarendon MSS.*, 85, f. 3. Sandwich thought that the Spanish Crown would labour under extreme dangers if the title were ceded.

<sup>2</sup> *Simancas Archives: England*, Legajo 2538, f. 144.

her proximity and her possible pretensions to the Crown of Spain.<sup>1</sup> It was said that such a concession was the forerunner of a general dissolution of the kingdom into provinces. Difficulties were thus multiplied, and complexities clouded the work; but Sandwich was not deterred by the coldness of the *Junta*, and demanded their suggestions in writing, while, in their turn, they refused to commit themselves to any definite policy.<sup>2</sup> Indeed, they differed among themselves as to the sense of the articles proposed.

During these tedious negotiations, while the fencers feinted and parried, the diplomatic world was stirred by a pamphlet controversy. On August 7 "a paper was spread abroad in the Court by the Abbott Arnolphin, comparing the utility and honour of Spayne havinge a league with England or France, and preferring that of the latter."<sup>3</sup> Pamphlets were by no means uncommon in Madrid, but generally related to private matters, and scandals concerning the Queen and her confessor. Arnolphin's pamphlet was of considerable length, and weighed the political advantages to be gained from either of Spain's suitors.<sup>4</sup> The work was fiercely debated at Court, where counsels were divided. Medina represented the English side, and Peñaranda the French. The pamphlet called forth at least two answers. One, Sandwich judged, came from Medina, and was in favour of an English league.<sup>5</sup> A second suggested Spain as looker-on, no league with either England or France. The original pamphlet led to Arnolphin's punishment, and the Queen imprisoned him; but he was soon released "upon a Petition of his disclaiming the libell, and saying he

<sup>1</sup> *Sandwich MSS. Journal*, ii. 356.

<sup>2</sup> *Ibid.*, ii. 366-368.

<sup>3</sup> *Ibid.*, ii. 382.

<sup>4</sup> Mignet, *Négociations*, i. 491.

<sup>5</sup> *Sandwich MSS. Journal*, ii. 440, 479.

was falsely accused and his name counterfeited and that he had noe hand in makinge the said libell.”<sup>1</sup> The excuse was partially true, for rumour had it that Arnolphin was not alone, and that some of the Council, including Peñaranda, were suspiciously active in dispersing the tract. The whole of the paper and the answers were transcribed in the Ambassador’s journal, and copies were sent to England.<sup>2</sup> There the matter created some little sensation, and Sandwich was instructed to protest against the “base libel.”

Any ill effect which this pamphlet may have had was balanced by the progress of our war against the Dutch. Success improved England’s prestige, brought joy to the Ambassador’s heart, and “warmed it more than all the suns of Spain.” Above all, Sandwich was enabled to meet the Commissioners in an increasingly strong position.<sup>3</sup> To weaken Holland was to diminish the naval advantage of her ally, France. The indecisive battle fought off the North Foreland on four days in June was duly celebrated on July 1, and Sandwich records :

“Att nine at night wee made fires of joy upon 30 poles in the streete and 2 flamboes in every balcone (which were about 12) with many rocketts, squibbs and fireworks, for the victory obtained by our Fleete upon the Dutch.”<sup>4</sup>

Since the engagement was indecisive, the rival diplomatists had also their celebrations. Some wondered that the Dutch and French should dare to make bonfires, for they had often done so, when defeated.

<sup>1</sup> *Sandwich MSS. Journal*, ii. 448.

<sup>2</sup> *Ibid.*, ii. 199-221, 381-411, 479-493.

<sup>3</sup> *S. P., For. : Spain*, 51, f. 151.

<sup>4</sup> *Sandwich MSS. Journal*, ii. 240.

"Therefore their fires were applauded only by their owne, whereas those of the English ambassador were applauded againe and againe by severall outcries of all the people with *Victor Inglaterra*."¹

However, in August came the news of an English victory. Albemarle had defeated De Ruyter, and Sandwich was able to rejoice alone :

"Neither French nor Dutch nor Danes ambassadors made any rejoicinge this time as they did at the newes of the other former battell."² . . . "The Hollanders, who have got many friends in this Court, are lying about it ; the French interest (bought by money) have not received it well. . . . His Excellency suspendeth his triumphant fires and fireworks untill the receipt of the certaine Newes of all from England, but will then shew his gallantry in this, as he doth in all other occasions to his King's and Countrey's eternall glory. It hath happened in an excellent time for my Lord to doe his business ; since the newes of it came first to towne, my Lord hath beene much visited and courted by the great ones of this Court, and 'tis hoped things will go well."³

As our success at sea impressed the people of Madrid, Spain grew more desirous of a league ; but here came in the difficulty of Portugal—at once the friend of England and the enemy of Spain. With the Portuguese we had no quarrel : yet England, leagued with Spain, would be involved in the peninsular war ; for war still flared and flickered, and frontier raids were of frequent occurrence.<sup>4</sup> Spain wished for vessels in order to blockade Lisbon, which the French fleet furnished with supplies of corn.<sup>5</sup> To use our navy in that way was impossible. We could only consent to a league

¹ *S. P., For. : Spain, News Letters*, 91, f. 220.

² *Sandwich MSS. Journal*, ii. 414.

³ *S. P., For. : Spain, News Letters*, 91, ff. 61, 320.

⁴ *S. P., For. : News Letters*, 91, f. 244 ; *Sandwich MSS. Journal*, ii. 372. •

⁵ *S. P., For. : Spain, News Letters*, 91, f. 195.

which should not bind us against Portugal, and therefore Portugal must either be excluded from Spain's enemies, or a peace must first be made, which should satisfy the Councils both of Madrid and Lisbon. But the Portuguese had ceased to seek terms : their attitude was obstinate, and it was patent that their statesmen held the key of the situation. They could not see how anyone could offer a compromise by touching upon the string that was so fatal to Fanshaw.<sup>1</sup>

The French thought the same, and spared no pains to foment the war. The whole business was complicated by wider issues. Louis did not wish peace to be made with Spain before his contemplated attack on the Spanish Netherlands. His resident at Lisbon, the Marquis de St. Romain, had very definite instructions. He was sent to thwart any agreement between Spain and Portugal, particularly one framed by England. He inflamed the pride of the Portuguese, and extolled the magnitude of their victories. In particular, he was bidden to encourage their insistence on the title of King, while with equal vehemence he opposed a truce, as a loophole for eventual reconquest. He was enabled to ply the Portuguese with money, and assistance in their war,<sup>2</sup> but France did not rely upon a single Ambassador. The King of Portugal married a French wife. She arrived at Lisbon in August, and was accompanied by the Marquis de Ruvigny, a diplomatist of some note. The arrival of the French vessels was made a demonstration of naval power ; the escort was numerous, and designed to persuade the Portuguese that the English were not entirely masters of the sea.<sup>3</sup> English overtures were rendered un-

<sup>1</sup> *Sandwich MSS. Journal*, ii. 486.

<sup>2</sup> *Recueil des Instructions : Portugal*, p. 90.

<sup>3</sup> Paris, *Archives des affaires étrangères ; Corr. : Portugal*, 5, f. 151.

popular, and for a time the French interest was supreme. Matters looked ripe for an agreement between the two countries, since the Portuguese were already in debt to England, and needed money from a fresh source.<sup>1</sup> Their Ministers talked of trying a league with France, who had proffered money, and they expressed the hope that England would not take this ill.<sup>2</sup>

In Lisbon, so near did an alliance seem that Southwell was full of alarm. He hunted up instructions and made various offers to the Court. He promised peace if Portugal would waive the title, but the suggestion "was received with flat denial and resentment."<sup>3</sup> He then wrote to Madrid for advice, suggested a journey to Spain, and, acting upon his own initiative, arrived in Madrid on September 17. The previous day Sandwich recorded an attempt "to gett a passe for a servant to goe to Lisbon to hinder or stopp Sir R.'s journey if it were possible."<sup>4</sup> For Southwell's appearance at Madrid was inconvenient, and made the negotiations look as though they lagged.<sup>5</sup> The terms he brought were unsatisfactory; they included the cession of the title within thirty days (to which ten days of grace were added); if that failed, the Portuguese threatened a rupture of all negotiations, and a definite treaty with France.

The Envoy's presence was turned to account by the Spaniards, and they declaimed violently against the unreasoning attitude of Lisbon. The Queen tried to force the Ambassador's hand. A league was suggested in haste, by which England would have found herself fighting side by side with Spain. Not only the Queen, but her mouthpiece, Nithard, complained of the slow-

<sup>1</sup> *S. P., For. : Portugal*, 7, ff. 172, 205.

<sup>2</sup> *S. P., For. : Spain*, 52, f. 91.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Sandwich MSS. Journal*, ii. 498.

<sup>5</sup> Mignet, *Négociations*, i. 502.



ness of the business, an ironical attitude for the Spaniard.<sup>1</sup> Sandwich was not to be outwitted. He knew that the Council was acting on guesswork. He refused to commit himself, and declined an audience on the ground "of distemper of body and taking Physicke for remedye," and pleaded "the divers considerations occasioned by the Prescence of Sir R. Southwell."<sup>2</sup> Before making a league, he looked for security, and for some evidence of goodwill. The English merchants were still suffering from exactions; and though Sandwich had improved their condition and received their thanks, he was not fully assured of the good faith of the Spaniard.<sup>3</sup> No treaty had been framed such as he could reasonably sign. Hasty overtures were useless. The cause of Southwell's presence was kept a secret, and he saw none but Godolphin and Sandwich.<sup>4</sup> The latter's first care was to get him back to Lisbon. There were many grounds for this. An attempt "to know the last mind of Spain" was unreasonable, when there was no guarantee that Portugal would accept the Spanish terms.<sup>5</sup> The presence of Southwell might be regarded as a slight on the Ambassador's position and credentials; and Sandwich regarded personal ambition as partly responsible for the move. He looked on Southwell as youthful, "hot in his pursuits, and of little experience."<sup>6</sup> Above all he thought that the Portuguese encouraged Southwell's absence, for Lisbon was thereby laid open to the machinations of

<sup>1</sup> *Sandwich MSS. Journal*, ii. 516.

<sup>2</sup> *Ibid.*, ii. 514.

<sup>3</sup> *S. P., For. : Spain*, 52, f. 11; *Carte MSS.*, 75, f. 485.

<sup>4</sup> *S. P., For. : Spain, News Letters*, 91, f. 52.

<sup>5</sup> *Sandwich MSS. Journal*, iii. 8. Sandwich was at the time inclined to follow the precedent of 1659, and force peace upon the combatants (*S. P., For. : Spain*, 52, f. 81).

<sup>6</sup> *Sandwich MSS. Journal*, iii. 10.

Ruvigny and St. Romain, and want of success would warrant the Portuguese proceeding with France.<sup>1</sup>

On September 24 Sandwich sent Southwell back to Portugal, with letters to the King and Castel Melhor. Despite the unbending attitude of Lisbon, some "temperament" was suggested, and patience was urged.<sup>2</sup> A few days later came a fresh batch of lengthy instructions from the King and Arlington, which left a gap for discretionary work.<sup>3</sup> Fortified by his new instructions, Sandwich sounded Medina as to the proposals for a compromise.<sup>4</sup> On October 23 he presented a scheme in which a truce for sixty years between Spain and Portugal was substituted for a peace, and the title was drafted as *Corona Portugalliæ* and *Lusitanica Majestas*. In addition, Sandwich determined to send a messenger to Lisbon with similar proposals. He had no more faith in this offer than in that of Fanshaw. But he hoped to husband time, and to avoid giving Spain new occasion for jealousy by presenting any scheme to which Portugal had not agreed.<sup>5</sup> Medina raised objections. He conceived consultation with Portugal as fruitless, for he thought that Sandwich had no more rope than his predecessor.

For once Sandwich was impatient, and answered "with some passion." He declared that the English had both arms open to embrace Spanish friendship; and if they disputed matters of small importance, or spun out time in delays, he would advertise Charles "what he had to trust to."<sup>6</sup> He took no heed of their objections, but on November 6 sent Werden post to

<sup>1</sup> *Sandwich MSS. Journal*, iii. 8-12.

<sup>2</sup> *S. P., For. : Spain*, 52, f. 100.

<sup>3</sup> *Sandwich MSS. : Letters from Ministers*, i. 168-189.

<sup>4</sup> *S. P., For. : Spain*, 52, f. 135.

<sup>5</sup> *Sandwich MSS. Journal*, iii. 138.

<sup>6</sup> *Ibid.*, iii. 148.

Lisbon.<sup>1</sup> The messenger took with him letters of instruction for Southwell, and propositions to be laid before the King. The style of "Crown" was proposed, together with a truce of sixty years, "a considerable space of Tyme in the mutabilitye of humane affairs."<sup>2</sup> In addition, Spain was to renounce any right to the resumption of her claims. The mission had no success; on November 22 Werden returned with an unfavourable report.<sup>3</sup>

Whilst Werden journeyed to Lisbon, matters were debated in Madrid. Anticipating the result of the mission, Medina begged Sandwich to desert Portugal, and confine himself to framing a league with Spain.<sup>4</sup> The English Ambassador suspected insincerity, and a desire to change the course of the work. He was disappointed, as he said, that the whole of his task should be undone, and "we begin again." He "appeared vigorously resolute"; he sent Godolphin to the Duke, and suggested the expedient which was eventually adopted: the immediate signature of an Anglo-Spanish commercial treaty, and the postponement of the Portuguese question.<sup>5</sup> To take one thing at a time was the right course. Sandwich had suggested a practical line. He had already rectified the treaty of commerce, rendered it complete, and inserted the clauses which Fanshaw had omitted.<sup>6</sup> The Duke then suggested various amendments which caused frequent delay, and the business was hedged in by formalities. There were many threads to untwine and difficulties to overcome.

<sup>1</sup> *S. P., For. : Spain, News Letters*, 91, f. 203.

<sup>2</sup> *Sandwich MSS. Journal*, iii. 152.

<sup>3</sup> *Ibid.*, iii. 252-268. Werden kept a journal which was there copied out.

<sup>4</sup> *Ibid.*, iii. 170 *et seq.*

<sup>5</sup> *Ibid.*, iii. 174, 180-184.

<sup>6</sup> *Ibid.*, iii. 155.

"Our Lord Ambassador is so close in what he treateth, that only himselfe and the Secretary of the Embassie know it; Spaniards will perswade us that all goeth ill, and that his Excellency is told he may be gone, for they will not hear him a word more about Portugall; this is said but cannot tell with what truth, for my Lord is pleasant and merry, and treateth as much with the three appointed him as ever."<sup>1</sup>

During the whole of November, Sandwich was especially active; he paid private visits to the members of the *Junta*, and meetings took place nearly every day. At each the Commissioners had some new difficulty, and a succession of minor differences were brought in to obscure the issue. If an Anglo-Spanish league were framed, what would be done with the English contingent fighting for Portugal? and Sandwich could only promise their help to Spain against any other nation but Portugal.<sup>2</sup> He was taunted, too, with the gossip concerning the King and Catherine of Bragança. Talk of a separation had reached the Spanish Court, and engendered a hope that Anglo-Portuguese relations would be severely strained. A report came that both our Houses were preparing a Bill to make severer penal laws against the Papists, and Sandwich was compelled to visit the Queen in order to correct any bad impressions this had made.<sup>3</sup> Medina made capital out of the disturbances in Scotland, and predicted the renewal of a Franco-Scottish alliance. The rumours of Clarendon's approaching downfall were used as a text for preaching on the uncertainties of foreign policy, and Medina talked of an anti-Spanish party at the English Court. He urged the return of Jamaica, and his secretary discoursed on Spanish grievances in the West Indies. He tried to

<sup>1</sup> *S. P., For.: Spain, News Letters*, 91, f. 186.

<sup>2</sup> *Sandwich MSS. Journal*, iii. 180.

<sup>3</sup> *S. P., For.: Spain, News Letters*, 91, f. 244.

purchase Tangier, but Sandwich regarded it as useful for protection of our commerce; and when Medina offered the use of Cadiz or Gibraltar for the same purpose, Sandwich replied dryly that "neverthelesse a place of our owne was not amisse."<sup>1</sup>

These minor difficulties which hampered an agreement were made more formidable by the result of Werden's mission. A distinct set-back was apparent when Sandwich met the *Junta* on November 28.<sup>2</sup> Spain resumed relations with the French Ambassador, who had obtained the ear of the Queen and her confessor, and repeated his suggestion for a rival commission.<sup>3</sup> Now that the overtures to Portugal had apparently failed, the Archbishop obtained from the Queen compliance with his request, and she and Nithard were inclined to allow him a *Junta*.<sup>4</sup> But at one point the English possessed an advantage; both Sandwich and Southwell were prepared to put forward written proposals, and both really meant business. French policy meant nothing of the kind. Plans were maturing for an attack on Spain, and Louis' instructions kept his Ambassador partially in the dark as to the real drift of affairs; he was prohibited from putting down a single word in writing. He lamented this to Louis, and the more so because Spain asked for a definite agreement.<sup>5</sup> The King of France wished to gain time. He desired to see Spain without a single ally; and she accorded him his desire, for she adopted a negative policy of peace with everybody.<sup>6</sup>

Since Spain was lulled to inactivity, and Portugal had refused the suggested terms, Sandwich could make little progress. He was discontented for a time,

<sup>1</sup> *Sandwich MSS. Journal*, iii. 204-206, 230-232, 376-380, 404-454.

<sup>2</sup> *Ibid.*, iii. 296 *et seq.*

<sup>3</sup> Mignet, *Négociations*, i. 506, 507.

<sup>4</sup> *Sandwich MSS. Journal*, iii. 372.

<sup>5</sup> Mignet, *Négociations*, i. 512.

<sup>6</sup> *Ibid.*, i. 513.

but tenacious. Peñaranda urged him again and again to "lett Portugall go to the Divell."<sup>1</sup> The *Junta* had agreed to a sixty years' truce, but now began to higggle, and clamour for fifty. They thus reopened a question which had been definitely settled, and Sandwich justly protested.<sup>2</sup> The Christmas festival next served as an excuse for further delay. Then at the new year things began to look better. On January 3 Muledi brought congratulations to Sandwich on the arrangement of a treaty. The next day an important meeting was held, and it was agreed that a Spanish-Portuguese treaty should be drafted. Apparently Spain was willing to concede the title, if the truce were abated to fifty years. It seemed as though the old quarrel were patched up, and Sandwich wrote most hopefully to Arlington.<sup>3</sup>

Suddenly there came an unexpected check. The Spaniard chose to regard Sandwich's commercial treaty as "wholly new." The secretary, del Campo, brought Godolphin a draft, "involvinge us in all the old difficulties of deserting Portugall, confirming the Treaty of 1630; obliginge particularly anew my Master not to assist any of their enemyes; and connectinge the Treatie of Commerce and Truce, so as neither to be ratified unlesse my Master brought Portugall to consent therein, or, if not, deserted them."<sup>4</sup> Such propositions were impossible, and could not be entertained; they cancelled the work already done, and threw the negotiations into utter confusion. For a time there was nothing but tedious bargaining, and the prospect of agreement looked almost hopeless. "Since they will walk their own pace," said Sandwich, "let them take their fortune with it."

<sup>1</sup> *Sandwich MSS. Journal*, iii. 328.

<sup>2</sup> *Ibid.*, iii. 360.

<sup>3</sup> *Ibid.*, iii. 430-436.

<sup>4</sup> *Ibid.*, iii. 444.



## CHAPTER XI

### MADRID TO LISBON<sup>1</sup>

#### I. THE COMMERCIAL TREATY.

“In all Negotiations of Difficultie, a Man may not looke to Sowe and Reape at once ; but must Prepare Businesse, and so Ripen it by Degrees.”—  
BACON : *Of Negotiating*.

WHEN the new year opened the negotiations were at a stand. The diplomatists displayed their wares, haggled and huckstered, asked fancy prices or made the meanest offers. Spain repudiated her bargain ; she had promised to consider separately the two important questions—a commercial treaty with England, and the peace with Portugal. Now she brought forward for signature a treaty framed in a manner that would bind England to transfer her aid from Portugal to Spain. This was presented by Muledi, who, with sanguine insistence, tried to force the English Ambassador's hand ; “tempting mee,” said Sandwich, “to compliance in this matter, but I continued still resolute in noe sort to admitt such a manner of signinge the Treatyse.”<sup>2</sup> And while Spain thus dallied, France

<sup>1</sup> Authorities : Those in the last chapter. See also H. Schäfer, *Geschichte von Portugal*. A. F. Pribram, *Privatbriefe Kaiser Leopold I. an den Grafen F. E. von Poetting*. These letters show the international importance of Sandwich's embassy. A. F. Pribram, *Lisola und die Politik seiner Zeit. An Account of the Court of Portugal under Dom Pedro II.*, part ii. (London, 1700) ; T. Carte, *History of the Revolutions of Portugal, with Sir R. Southwell's Letters* (London, 1740).

<sup>2</sup> *Sandwich MSS. Journal*, iii. 482.

was making headway with the Portuguese, and it looked as though she might obtain an alliance. But the more Portugal leaned towards the French, the easier it became for England to arrive at the understanding she desired. In less than six months Sandwich, by patience and perseverance, had completed the first part of his work, and signed the commercial treaty with Spain.

Before agreement came about there were long delays, during which he preserved an even front and let matters take their own course. His discontent at Spain's dilatory attitude was kept for the pages of his journal, and he filled some forty of these with reflections on his ill-luck.<sup>1</sup> The enforced cessation from work was occupied with other matters. He was keenly interested in astronomy, and recorded regular observations of the sun, moon, and stars. The lull also gave him leisure to see the ordinary life of the country. As it chanced to be the festival of St. Blaize (February 3), he joined the crowd of holiday-makers who poured out from Madrid, and thus describes the scene :

"In the afternoone I went abroad in my Coach to see the manner of this people, who account this the first day of the Springe, and making themselves fine, goe all abroad into the fields towards St. Blasque's Chappell, which is  $\frac{1}{4}$  mile out of the Towne betweene it and the Atoche, and abundance of Coaches, I believe about 500 of best qualitie in Towne, soe that the Streets were soe clogged that I could not gett backe untill 8 at night ; in the stoppe, beinge over against a coach with Ladyes in it they opened the Curtaine and with a Squirte threw Sweete water upon our faces, a custome amongst them (they say) although they be vertuous people."<sup>2</sup>

<sup>1</sup> *Sandwich MSS. Journal*, iii. 480 et seqq.

<sup>2</sup> *Ibid.*, iii. 490.

Again at carnival time he writes :

“ All the people are full of liberty and extravagance, throwinge eggs at one another in the streetes, and weomen of the best quality and virtue walking up and down, but being *tapada*, and noe body must take notice of the person, though he know who it is. And in private conversation, free to an excesse, admitting all manner of jollity ; among the rest, they suffer the men to thrust small Caraway Comfitts downe their breasts and backes in great quantity ; and sprinkle one another with Squirtes of sweet water, and multitude of such playes.”

Accounts of these holidays are not the only passages which lend colour to the journal, for the daily life of the embassy afforded its particular distractions. The English Ambassador and his suite formed a little town-ship in the heart of Madrid. The residence of this colony included the Siete Chimeneas, and houses for the suite and servants. The precincts were privileged, and were supposed to form part of the country which the Ambassador represented, guarded by the flag like a ship at sea. The royal arms were set up over the great house, and the chair of state stood for the royal presence. The family, servants, and retinue, were immune from taxes ; they could not be sued in the courts, and could exercise their own religion. The Spanish officers of justice, the alguazils as Sandwich calls them, lowered their staffs as they passed through the barriers, and any omission of this token of respect led to a street skirmish between the Spaniards and English. Sandwich relates that one of his men was killed by a shot from their guns ; “ my footman rudely pursuing four alguazils through the streets upon a rumour that they came through our barriers with their rods exalted, which by custom they ought not to doe.”

<sup>1</sup> *Sandwich MSS. Journal*, iii. 16.

Another alguazil entered without leave into a house within his barriers, and served a process upon the woman of the house; yet he was only reprimanded, "whereas," says Sandwich, "I justly expected they should have cashiered him, and sent him to begg mercy at my feet."<sup>1</sup>

The quarrels over such questions were not confined to the Spaniard, but spread sometimes to the rival diplomatists. A good deal of clandestine information had to be obtained; and money was spent in creating a party favourable to the particular interests of one's country. Continual warfare was waged under a cloak of courtesy. On the arrival of an Ambassador he was accorded a public audience, and a solemn entry to the city; he was greeted by the Master of the Ceremonies, and feasted at the expense of the Crown. His rivals swelled his train, and the receptions afforded them an opportunity for emulation. It was their business to render the entry less imposing, and to catch the eye by the splendour of their own retinue. Matters of display and precedence were of great moment to the French; they were ready to assert their claims by force. At the public reception of a Venetian Ambassador, the French lackeys came with firearms concealed under their coats, and a scuffle for the most prominent place was only averted because Sandwich failed to send a coach, and declined to take part in the pageant.<sup>2</sup>

The precincts of the Ambassador's house afforded a refuge to good and bad alike; the homeless claimed hospitality, and the criminal endeavoured to escape arrest. Malefactors tried to live secretly in the streets of His Excellency's jurisdiction; and when Sandwich first took over the house, six coach-loads of criminals

<sup>1</sup> *Sandwich MSS. Journal*, iii. 678.

<sup>2</sup> *S. P., For. : Spain*, 52, f. 99.

were evicted and imprisoned.<sup>1</sup> But to the political prisoner, or to certain fugitives from justice, sanctuary was permitted. At Medina's request, Sandwich gave house-room to three Italians, "to preserve them from being notified of a sentence of banishment."<sup>2</sup> They proved "ingenious men of learninge and mathematicall." Their discourse beguiled an enforced holiday; they told the Ambassador stories of Sicily, some sufficiently incredible, but faithfully recorded in the journal.

In addition to these hospitalities, Sandwich was also asked to recommend for particular posts: the testimony of an Ambassador was highly esteemed, as being of weight and impartial. "Several Grandees, having been to marry a daughter, have wrote letters to my Lord to give him notice, and out of the greatness of his wisdom to desire his advice, though people he never saw; and then my Lord he answers by commending the greatness of his discretion in making so good an alliance, and so ends."<sup>3</sup>

Among the nobles who sought his good offices, Sandwich appears to have been distinctly popular. The hospitality of the embassy was lavish and most expensive; the Ambassador "keeping a very splendid table for all that came, and giving to dine daily to about sixty poor people."<sup>4</sup> On great occasions his illuminations outdid those of the other Ambassadors, "much to the King's honour, excelling far the rest. You cannot imagine," wrote Godolphin, "how much these things please in this country."<sup>5</sup> On the King's birthday, for example, Sandwich celebrated the festival with bonfires, illuminations, and fireworks, "performed by

<sup>1</sup> *S. P., For. : Spain, News Letters*, 91, f. 62.

<sup>2</sup> *Sandwich MSS. Journal*, iii. 447.

<sup>3</sup> *Pepys's Diary*, September 27, 1667.

<sup>4</sup> *S. P., For. : Spain, News Letters*, 91, f. 11.

<sup>5</sup> *S. P., For. : Spain*, 51, f. 191.

an Artist of this place," says the same writer, "in the rarest manner I have ever seen."

"His Excellency had then a Feast, many of the chiefest quality here, and some Publique Ministers of Forraigne Princes and States being present, besides a great confluence of other People, who were afterwards entertained with a Spanish Comedy and Entremeses, and in conclusion of all a Noble banquet, with such a multitude of healths to the King, Royall family, and afterwards to all Our friends in England, that Scarce anybody remembers what followed."<sup>1</sup>

Of the plays which were performed at such times of rejoicing, Sandwich tells us something. His comrades, as he calls them, and some of his servants, acted Shirley's '*Impostor*,' and it was received with great applause by the several grandees.<sup>2</sup> A few nights later, by order of the Conde de Molina, there was a return visit.

"I had presented mee *entremeses* by the Comedians of Madrid," wrote the Ambassador, "the choicest thinges of all their Comedies, and the best actors, men and women out of their companies joyned together. There was a great deal of Company at my house of great qualitie: the son of the Amirante de Castile, the Amirante de Arragone, and divers earles and marquesses."<sup>3</sup>

What most struck Lord Sandwich was the light way in which religion was handled. The Marquess of Baidés, once the Ambassador's prisoner, presented a comedy of his own writing, in which, to my Lord's amazement, the chief part was the preaching of a pretended Jesuit, but the matter was "amorous, jocose, and ridiculous," and led to the actor's incarceration by

<sup>1</sup> *S. P., For. : Spain*, 52, f. 319.

<sup>2</sup> *Sandwich MSS. Journal*, iii. 186.

<sup>3</sup> *Ibid.*, iii. 390. On the next night Sandwich's comrades acted "The Gentlemen of Venice."



the Inquisition.<sup>1</sup> On a later occasion Sandwich tells of a comedy "wherein there was represented a Crucifix as bigg as life and Holy actions performed, and afterwards a representation of Jesus by a child, and such actions religious, done and said, as one would have thought better became one of their Churches than the stage."<sup>2</sup>

The tone of levity which Sandwich deplored in the Spaniards' theatre spread also to their music.

"They love such tunes as the Trumpetts, but especially the ordinary tunes of Spayn as a mariona, Chicona, or passacalle," he writes; and adds, "I have heard a story of a rare forreign musitian that played (upon the lute I suppose) with his utmost skill unto some persons, (noblewomen) of the best quality in Madrid, and when he had done they desired him to play *alguna cosa de buena*; whereat the man was displeased exceedingly and said he thought he had played that which was good already, and had done his best; they replied, *Si, si, pero toco alguna cosa de bueno, coma un chicona, mariana, o passa calleo*. They love the regall stopp of the organs in their chappells, and play such light tunes upon it as *John come kisse mee now*." But "to speake the truth," he said, "their manner of playing and singing is very agreeable, soft and passionate."<sup>3</sup>

Plays and music helped the Ambassador to while away the winter months, and in the heat of summer he frequently left Madrid. Part of his time was spent at Sarcuela, a country-house of the King's: "a very pretty place, fine gardens, lovely elm trees about it, and a warren well stored with rabbits."<sup>4</sup> There the Ambassador followed outdoor pursuits. The chief of these was bathing, which he said made his spirits much lighter and more pleasant. The Manzanares was only ankle-deep, so Sandwich bathed from a

<sup>1</sup> *Sandwich MSS. Journal*, iii. 556.

<sup>2</sup> *Ibid.*, v. 190.

<sup>3</sup> *Ibid.*, iii. 123, 129.

<sup>4</sup> *Ibid.*, iv. 116, v. 444.



EDWARD, EARL OF SANDWICH

*By Samuel Cooper*



JEMIMA, COUNTESS OF SANDWICH

*By Samuel Cooper*

*From miniatures at Hinchingsbrooke*

To face p. 90 of Vol. II



hole dug in the sand, and a small tent was pitched to defend him from the sun, and for privacy. Crowds were doing the like; "they digg holes in the Sande," he says, "as deepe as will cover the body, and then lie naked all alonge in that hole and bathe, both men and women publicly, and in the more private places the best people of Spayn." When the evening drew on, people left their bathing-places, and supped upon the grass by the river-side, making fires and dancing; "which is very fresh and pleasant," says the journal. "Theire dancing is very proud and active both of men and weomen, and they much delight in using the Castoneetes which they use very dextrously and stick them in exact tyme with the tune they dance unto." During the intense heat of July the whole of fashionable Madrid was at the river-side, and on the last night of the bathing season as many as 500 coaches were out. There were sports of all kinds, and coaches in which were harnessed six mules raced along the river-side.<sup>1</sup> With various visits to country-houses, and to the fairs and sights of Madrid, time passed pleasantly enough.

These different diversions filled up the Ambassador's idle hours. Shortly after he had entertained the grandees with English plays, the Spaniards renewed definite work. A *Junta* was held on January 30, and then Sandwich heard the reasons for the abrupt close of the negotiations. Spain regarded it as unreasonable that the treaty should be separated from the truce; for the refusal of the latter by Portugal would only complicate affairs. England might be rewarded by a commercial treaty, although her efforts at mediation should prove a failure. In any case the Spaniards maintained that her sincerity should be shown by the

<sup>1</sup> *Sandwich MSS. Journal*, iii. 129, iv. 294, 316, 348, v. 206.

withdrawal of her troops from the Portuguese army. Peñaranda was especially insistent on "the incongruity of a Mediator fighting against one of the parties; at the same instant when he is mediatinge." The *Junta* offered anew three expedients: first, a confirmation of the treaty of 1630; secondly, a secret article whereby the King of England would "undertake for Portugal or desert them," and lastly, the sending an express to England for the King's approval of their suggestions. Sandwich dealt fully with their plans; as for the King's assisting Portugal, he pointed to the Swiss mercenaries in both the French and Spanish armies. He waved aside all conditional treating, and the waste of time that fresh embassies would cause.<sup>1</sup> Nothing was settled, and he went about his work with increased caution.<sup>2</sup> Medina suggested that Sandwich should consult the Queen directly, but lest blame should fall on him for "misleading her judgement," he declined this expedient, especially as it would certainly have involved him in the distrust of a section of the Ministers.<sup>3</sup>

He could afford silence, for he was well aware of a cleavage in the Spanish counsels. The Queen and her confessor, together with the Emperor's Ambassador, made up a small cabal. Concerned for the integrity of the Habsburg dominions, they possessed perhaps a wider outlook on politics than the purely Spanish Ministers, and hoped to stir these from their lethargy. They distrusted France, knowing as they did that she was prepared to swoop down upon Flanders, tear up the marriage settlement, and diminish the family territory of the Habsburgs. Sandwich saw

<sup>1</sup> *Sandwich MSS. Journal*, iii. 510-518.

<sup>2</sup> *S. P., For. : Spain*, 52, f. 39.

<sup>3</sup> *Sandwich MSS. Journal*, iii. 522.

that the partition was near at hand, and waited for the Queen's party to bring the danger home to Spain. They were active in an attempt to do so. The Emperor's Ambassador, Franz Eusebius von Poetting, visited Sandwich with suggestions which Habsburg policy inspired, and which Nithard had framed. The latter ceased his opposition to an Anglo-Spanish league, and only desired that England should deny her help to Portugal in return for commercial advantage.<sup>1</sup> Sandwich gave no pledge, nor wavered in his demands; for he felt that when he was courted by the Queen's party a settlement could not long be deferred.

These signs of promise were coincident with much that was tedious. Godolphin was kept going to and fro, interviewing now Nithard, now Medina. At length the Spanish Council addressed themselves to a review of the whole affair. On February 21 they held an important meeting.<sup>2</sup> The business was then discussed. Of this Council the Archbishop of Embrun and Lord Sandwich give very different impressions. The former describes the Council as divided, and states that the idea of any further negotiation with England was defeated by two voices to one. A treaty with us was said to be impossible, as we were bound to Portugal; and English mediation was not of sufficient weight to end the war. An Anglo-Spanish league was opposed by the peace party, as likely to involve Spain in disagreement with her neighbour.<sup>3</sup> But the real complexion of the Council was very different, and Sandwich was quickly advised of this. The meeting lasted from four in the afternoon till two the following morning. The Council debated "upon some very great affairs

<sup>1</sup> *Sandwich MSS. Journal*, iii. 536-552.

<sup>2</sup> The date given in Mignet is March 6 (*i.e.*, February 24 O.S.). See also Poetting, *Privatbriefe*, March 6, 1667.

<sup>3</sup> D'Embrun to Louis XIV. (quoted by Mignet, i. 518).



judged to be my negotiation," writes Sandwich ; "quickened thereunto by newes from France of the greate preparations there and designs."<sup>1</sup>

Report made out that the factions were irreconcilable and the counsels varied, but the immediate result was satisfactory enough. The next day Medina sent a message to His Excellency, "pressinge me earnestly to find out some expedient in our affair that we may speedily conclude, and that in a way of love and amicableness." Sandwich only waited for assurance that the *Junta* "had concluded in favour of his business," and then made an appointment with Medina. Though their conversation circled round forms and details, Sandwich felt the strength of his position, and kept himself, as he said, "close in discourse . . . to make them the seekers of mee, apprehendinge that to be more graceful for mee : havinge heard by all hands that they had resolved in favour of my negotiation and were pushed forward by their owne interest."<sup>2</sup>

Thus there was no need to press matters. Arlington likewise counselled hesitation; peace was possible between England and Holland, and protraction was desirable until the upshot of the negotiations became apparent.<sup>3</sup> So Sandwich met dalliance with delay, and paid the Spaniard in his own coin. He was summoned to a *Junta* with much officiousness on Medina's part. When in his coach, bound for the palace, he was turned back, and given for excuse the Confessor's indisposition. He repaid them in their own coin. Summoned to a *Junta* two days later, he sent a message to the effect that he "had taken Physicke and could not goe."<sup>4</sup>

<sup>1</sup> *Sandwich MSS. Journal*, iii. 588.

<sup>2</sup> *Ibid.*, iii. 591.

<sup>3</sup> Arlington, *Letters*, ii. 219.

<sup>4</sup> *Sandwich MSS. Journal*, iii. 664.

Following these pleasantries the negotiations slackened down, while Spain scanned the horizon. The survey was sufficient to cause her disquiet. The Archbishop of Embrun was alarmed lest the signs and portents should cause a rupture between the two nations, and Louis advised him to dally a while longer. Small affairs roused Spanish suspicion. Their dispatches were opened at Bayonne, and even an incident as ordinary as this sufficed to get Sandwich a better hearing.<sup>1</sup> Some, he writes, "talke hotly of a breach beginninge with France; and grow jealous of the greate numbers of French that inhabite in this town and many parts of Spain." Yet most Spaniards were blind to the threatened danger. From the Marquess of Baides Sandwich learned that the Council of February 26 had been faced by a French demand for Brabant,<sup>2</sup> but the Marquess chose to regard this as a move against England. It was, he said, on a par with the rumour of war preparations in France, and only aimed at an Anglo-Spanish league. Neither did the Marquess of Caracena allow Sandwich to think that the preparations boded ill.<sup>3</sup> Campaigns were annually threatened. Why should the French drive Spain into the arms of England? Muledi also tried to persuade the Ambassador that the designs of France were in reality directed against us.

"The warr with Holland," he said, "was at first encouraged and scince fomented by the French, out of a designe to dispute the Dominion of the Sea with England, and that France was soe bent upon it that they would never suffer the warr to cease between any of them (if they could helpe it) untill they had gained some bounds in the sea from the English, or

<sup>1</sup> *Sandwich MSS. Journal*, iii. 574.

<sup>2</sup> *Ibid.*, iii. 594.

<sup>3</sup> *Ibid.*, iii. 608 *et seq.*

some declaration of sharinge the dominion thereof. And that hereupon they secured themselves that France would not make warr with them."<sup>1</sup>

Sandwich ignored all such explanations, whether evolved in ignorance or initiated by craft. He was well posted in the news from Flanders. Either to him or to Godolphin, Sir William Temple wrote numerous letters. Moreover Arlington instructed him to use caution, and to keep the treaty of commerce and the truce with Portugal strictly divided; though as to the assistance of enemies, a secret article might be allowed.<sup>2</sup> At a lengthy meeting held on March 18, every side of the negotiation was again discussed, and arrangements were made for an agreement to be drafted.<sup>3</sup> The work only needed outside impulse, and this came in due course. The goad which quickened the Spaniard's paces was the long-threatened league between France and Portugal.

The news of such a treaty arrived as a rumour, but was quickly confirmed. The agreement was a great step in the diplomatic isolation of Spain. The negotiation had been entrusted by Louis XIV. to Melchior de Harod de Senevas, Marquis de St. Romain.<sup>4</sup> He was one of the best diplomatists of the century, a man of extensive experience. He was furnished with the most complete instructions, and was empowered to offer Portugal money for her war. He was told to create a breach between France and Spain if the latter should accept the terms offered by Sandwich. His work was not free from difficulties. The money he offered was insufficient, and he could not prevail upon Portugal to abstain from negotiations with her

<sup>1</sup> *Sandwich MSS. Journal*, iii. 732.

<sup>2</sup> *Ibid.*, iii. 755.

<sup>3</sup> *Ibid.*, iii. 670-680.

<sup>4</sup> *Recueil des Instructions: Portugal*, pp. 88 et seq.

neighbour. Above all, he had to obtain a league before the French rupture with Spain, lest Portugal should allow peace to come by a natural process, for war between France and Spain would undoubtedly bring it about.<sup>1</sup> So ill did his work appear to prosper that within a week of the treaty Southwell wrote to Sandwich: "There is not to this day any one proposition of the said treaty yet laid, and the time is apparently spun out in believe that they need not much apprehend Spaine in this next Campania, to the great mortification of Monsieur St. Romain."<sup>2</sup>

At the moment when Southwell wrote, a vessel from France brought new instructions for their Ambassador. He need not fail in landing his fish for want of a choicer fly. The country which had Colbert at the head of her finances was rarely stinted for money, and St. Romain was empowered to enlarge his offers. Money was Portugal's greatest need. As the spring approached, her fancy turned towards renewal of the campaign. The Queen, a daughter of France, threw her influence on St. Romain's side. The negotiations took on an appearance of haste, and for six days the Commissioners met continually. The news of their conferences roused Southwell to vigorous protest; he petitioned the Council in person, the King in writing.<sup>3</sup> He demanded a clause by which Portugal should receive peace whenever it was offered, but his clamour fell on deaf ears. An offensive and defensive league was signed on March 21, and French money and ships were placed at Portugal's disposal. The treaty was a virtual declaration of war with

<sup>1</sup> Mignet, *Négociations*, i. 537.

<sup>2</sup> *Sandwich MSS. Journal*, iii. 723: Southwell to Sandwich, March 14.

<sup>3</sup> Mignet, *Négociations*, i. 541: Southwell to Sandwich; *Sandwich MSS. Journal*, iii. 758 et seqq.

Spain.<sup>1</sup> The articles of the treaty were few, and only one affected the English negotiations. This was the seventh article, which forbade either France or Portugal to make any peace or truce within the next ten years without the other's express consent.<sup>2</sup>

The provisions of the treaty were at once announced to Southwell, and he sent the news to Madrid.<sup>3</sup> Spain found her strongest enemies firmly leagued. She did her best to assure Sandwich of the falsity of the news, and Medina flatly denied it.<sup>4</sup> Sandwich was unruffled. for the news made him hopeful. So far the treaty between Spain and Portugal had been thwarted by obstinacy, but now there came a chance that Spain might concede the title, and treat *de Rey al Rey*. The league, too, made an alliance with England doubly valuable, and circumstances drove the Spaniards into her arms. Sandwich had rightly made them "seekers." Henceforward his business prospered. The commercial treaty was kept clear of the Portuguese affair. On April 19 Sandwich presented to the *Junta* the frame of a secret article concerning the assistance of enemies.<sup>5</sup> At the same time the commercial treaty was made ready for signature, the transcription was hastened, and was completed in ten days.<sup>6</sup> The translation into

<sup>1</sup> *Carte MSS.*, 75, f. 515.

<sup>2</sup> The treaty is printed in Dumont, *Corps diplomatique*.

<sup>3</sup> His letters are copied into the *Sandwich MSS. Journal*, iii. 758, 827, 847.

<sup>4</sup> *Sandwich MSS. Journal*, iii. 766.

<sup>5</sup> *Ibid.*, iii. 776-787. "I proposed to the Lords to change the appellation of Truce for Portugal and not call them secrett Articles. And also to divide them totally from the Treaty of Commerce, and not number them forward in consecution of the others as they were in my Lord Fanshaw's and as they stand now in my Project. To which they assented and said, Havinge satisfaction in that Secrett Article (which was the originall difficulty for which the Truce with Portugall was excogitated by the Duke and Sir R. F. as a remedie) it was of noe importance how the truce was disposed, and that I might putt the Treaty in 2 or 3 or 4 parts if I would."

<sup>6</sup> *Sandwich MSS. Journal*, iii. 818.

Latin was prepared by Godolphin, and on May 1 Sandwich met the Commissioners, "and adjusted every point in difference, and every word of the treaty, Truce and Secrett Article, and gave direction for the writinge 6 faire Coppies . . . 3 for each party, one of them to send into England, one other for the Court of Spaine, and one other to interchange betweene mee and the Commissioners."<sup>1</sup> That night he wrote and informed Arlington that the first part of his work was done.<sup>2</sup>

Such a treaty had long been needed. During the war of 1656 between Spain and the Commonwealth, commercial relations had been broken off, and were only resumed in a haphazard manner, and at great risk. To British commerce this was a real disaster, for the trade done with Spain was of remarkable dimensions, and highly esteemed by the protectionists of the time. They found that we exported more than we imported, and obtained a balance in gold and silver, the bullion with which we carried on our East Indian trade. In addition, Spain sent us raw material. In return for our woollen goods, our fish, lead, tin, butter, and leather, we imported iron, oil, wool, salt, gold and silver. This was a commerce too profitable to disturb by continued warfare. The merchants had petitioned Cromwell for peace with Spain, for three parts of our fish were sold in Spanish dominions. The gravity of disturbing this trade lay in the fact that our fishing-smacks were looked upon as training vessels for the navy, and it was our policy to encourage the trade by every possible device, even to an extra fast-day in each week of the year.<sup>3</sup> Such a policy augmented ships and mariners, "the walls and bulwarks of this

<sup>1</sup> *Sandwich MSS. Journal*, iii. 840.

<sup>2</sup> *S. P., For. : Spain*, 52, f. 138.

<sup>3</sup> Latimer, *Annals of Bristol*, p. 305.



island," built up a naval reserve, and was held to increase employment for the poor of the realm.<sup>1</sup> Ten years of uncertainty and loss had emphasized the need for a commercial readjustment, and this made the treaty of Madrid a work of real importance.

When, after the Stewart Restoration, affairs settled down, the grievances of our merchants were duly set out, and sent to the Council for consideration.<sup>2</sup> Unfortunately the petition is undated and unendorsed. The merchants claimed that at least a million sterling of our money was invested in Spain, exclusive of shipping interests; whereas the Spaniards in England risked an infinitely smaller sum, so that reprisals fell more heavily upon us. Various exactions had cost our people a million and a half sterling. The shipping industry suffered unduly. If war broke out, no notice was given before the English vessels were seized. If stress of weather sent a boat into Spanish harbours, she was laid open to plunder. The judges of contraband were "troublesomely nice and dilatory in visiting our ships, causing heavy charges," and the Inquisition examined bales, trunks, and fardels, "under pretence of seeking after hereticall books or pictures." Spanish justices "stinted the prices" of such wares as corn and fish, or hindered the sale until the cargo was spoiled. A question especially urgent was that of re-export, a privilege of the greatest concern to the English carrying trade. Huge fines had been levied on re-exportation, and old laws were disinterred for its prevention. Admittedly, the law had been reasonable in time of scarcity, but when plenty reigned it was purely an exaction. In cases of in-

<sup>1</sup> Thurloe, *State Papers*, iv. 135-137.

<sup>2</sup> *S. P., For. : Spain, Treaty Papers*, 66, f. 99. The petition was probably presented to the Council of Trade soon after the Restoration. By internal evidence it was presented between 1660 and 1664.

testacy the Court of the Cruzada meddled, "and outed many men of their just rights, for this Court seldom or never parts with anything of what once they get into possession." Litigation was always costly, but rarely fruitful, and the advocates were liable to intimidation. Religious oppression formed a flaming grievance. Graves were desecrated, and at times the corpse was disinterred "in a very barbarous manner." Such were the most vivid complaints, and they were all mitigated by the Treaty of Madrid.

The treaty consists of forty articles relating to commerce. A firm peace was assured between the subjects of England and Spain, and proper provision made for its establishment; all letters of marque and reprisal were suspended. Uniform tolls were to be settled, and customary dues published and posted. The right of search was regulated, and undue exactions were prevented. If a few prohibited goods were found, the whole cargo was not forfeit. Contraband was defined, and did not include wheat, nor "whatsoever belongs to the sustaining and nourishing of life." Eight warships at a time were free to careen, and a storm-bound vessel was permitted to put out from harbour without being subjected to the customs. Many outstanding matters were settled, such as the provision of decent burial-places for the English colony, security for their heirs, and a certain amount of freedom for their religion. All English merchants were accorded the privileges formerly reserved for those in Andalusia. On payment of the lawful customs, freedom of trade was granted in all kinds of merchandise, "saving to either side the laws and ordinances of their country." The East India Company were allowed to vend their goods in Spanish

dominions, as freely as were their Dutch rivals, and our wool trade with Flanders was resumed.<sup>1</sup>

The advantages of the treaty were considerable, and sufficient to merit its favourable reception. Sandwich himself wrote : " The success in relation to our commerce is as good as my understanding can enable me to wish it."<sup>2</sup> Of chief importance were the provisions which helped us in our rivalry with the Dutch. We appreciated the value of a carrying trade, and knew Spain as a profitable customer. " The Spaniards are a stately people," says one of our earlier economists, " not much given to trade."<sup>3</sup> The huge galleons which landed colonial products at Cadiz saw their merchandise distributed round the coast of Europe in Dutch bottoms. The English coveted a share of this trade, and Sandwich obtained it. By the new treaty, goods imported into Spain by English merchants, as long as they had paid the proper customs, could be re-exported without any further extortion of customs dues. Our merchants were thus enabled to seek out the best markets, whether in Spain or abroad, and they were defended from exactions. The privilege enabled us to use the Spanish ports as an entrepôt, and to build up a carrying trade with the Mediterranean and the Levant. The clause was new, and proved of inestimable service. It struck a more severe blow at the Dutch carrying trade than the Act of 1651 had done, and tended to the revival of English commerce from its long depression.<sup>4</sup> Coupled with another

<sup>1</sup> The treaty of 1667 has been frequently printed, and formed the basis for all subsequent commercial relations with Spain. See Gaston de Bernhardt, *Handbook of Treaties* (London, 1908) ; G. Chalmers, *Treaties*, vol. ii. (London, 1790).

<sup>2</sup> *Clarendon MSS.*, 85, f. 275. The letter is printed in Lister, *Life of Clarendon*, iii. 465.

<sup>3</sup> Cary, *An Essay on Trade* (1695), p. 115.

<sup>4</sup> Cunningham, *Growth of English Industry and Commerce*, ii. 197 (edition of 1904).

clause, it placed our trade upon a secure footing. The latter article gave us a most-favoured-nation treatment, decreeing that in all places whatsoever the same privileges shall be granted to England as to the Dutch, the Hansa towns, or any other kingdom or state.<sup>1</sup>

That the clause was of real service is proved by the Ambassador's papers. A year after the treaty was signed, the East India Company congratulated Sandwich on his work, and affirmed that the certificates given by them for their East India commodities were enabled to pass with freedom in the Spanish ports. Owing to his assistance, they found themselves on equal terms with the Dutch. They asked him to obtain further concessions, and he obtained for them liberty to take in victuals and water at the Philippines, and thus gave them a halfway house for their Far Eastern trade.<sup>2</sup>

The carrying trade was not of less importance than the woollen trade. To enable this to thrive, good relations with Spain were most desirable. The finest wool came thence as a raw material, and was worked up at home for re-exportation to Spain, and for exportation to France, Holland, and Germany. When finished, our cloth was of acknowledged superiority to all others. Uncertain commercial relations weakened our sources of supply and disabled our markets. During the Cromwellian wars Spain began to make her own baize, though it was doubtful if she could compete with the English in time of peace.<sup>3</sup> She now showed signs of developing these manufactures by adventitious aid. Three thousand workmen had been sent into Spain from Flanders, to begin working up

<sup>1</sup> Article xxxviii.

<sup>2</sup> *Sandwich MSS. Letters*, ii. 104, 108, 147.

<sup>3</sup> Thurloe, *State Papers*, iv. 135, etc.

the wool. They were able to undersell the English, seeing that they paid neither customs nor excise. Even while Sandwich was in Spain, the Venetians were threatening competition.<sup>1</sup> They had addressed themselves to the manufacture of a finer cloth, and were negotiating for the purchase of the finest kinds of wool. They were rivals who could not be ignored. More formidable competitors were the merchant clothiers from Holland and from Hamburg. The raw material was sold to them, and they were enabled to engross the manufacture of cloth for the Central European market. The business had been in the hands of our Merchant Adventurers, but the uncertainties of warfare with Spain and Holland had crippled the Hamburg traffic, and denuded our merchants of their convoys. Our rivals, on the other hand, had developed their cloth manufacture and penetrated one of our richest markets.

The English determined to re-establish the wool trade and set it upon a securer base. To this end the Council suggested a monopoly of Spanish wool, and instructed Sandwich to obtain the sole merchandise in return for a monopoly of our tin. Such an offer shows how greatly they prized the grant: tin was a most saleable product, desired in every European country, and one of the only possible exports to the East Indies. Sandwich deputed Godolphin to investigate the question, but his report was unfavourable.<sup>2</sup> The stock of wool was too large and too costly for us to take the risk of keeping it on hand. From an output of some 40,000 bags, our need was under 10,000, and the surplus was greater than we could by any means use. The disposal of the

<sup>1</sup> *A Secret Collection*, p. 109 (*A Discourse by Sir W. Godolphin touching the Wools in Spain*).

<sup>2</sup> *A Secret Collection*, p. 106.

stock would have been our affair, and very uncertain. So Sandwich abandoned the idea of a monopoly, and was content with a clause which re-opened our trade with Flanders.<sup>1</sup> There much of our wool was dyed and finished. Ten years of warfare had disorganized the trade, and the market had to be regained. The provision which Sandwich obtained in the Treaty of Madrid was of the greatest value both as regards an important article of commerce and its shipment, and was the first step in the revival of a staple trade.

The assistance thus afforded to two great industries serves to mark off the treaty signed by Sandwich from that proposed by his predecessor. Other points of difference will bear examination. Fanshaw omitted a clause to ward off molestation on account of religion. In Spain a system of religious espionage was made an excuse for commercial inquisition.<sup>2</sup> The merchants had appealed for redress, and they now received privileges which Cromwell had been unable to exact.<sup>3</sup> Again, Fanshaw had neglected to secure the goods of merchants who died intestate. The importance of such a provision was rendered greater because of a condition of the times. The merchant firms were frequently composed of brothers, and family interests were at stake in a question of intestacy. Such firms were the Houblons and the Hills, friends of Samuel Pepys, of whom one or another drove the trade in various countries, and proper provision in case of death was a necessity. The omissions which affected them were rectified by Sandwich.<sup>4</sup> He also obtained permission for warships to careen, and settled a grievance which was emphasized in the merchants' petition: the right to six months' grace upon the out-

<sup>1</sup> Article xx.

<sup>2</sup> *S. P., For. : Spain, Treaty Papers*, 66, f. 99.

<sup>3</sup> Article xxviii.

<sup>4</sup> Articles xxxiii., xxxiv.



break of war.<sup>1</sup> All these provisions had been suggested by Fanshaw, but he had omitted them from his treaty.<sup>2</sup> One year he sent home a draft which threw out high hopes and formed a worthy basis for procedure, and the next year he sent home a treaty which fell far short of his own demands and desires.

It is true that Fanshaw's omissions might have been rectified by the article which provided for an extension of the treaty;<sup>3</sup> but they had been offered by him, and rejected. Why should he expect their restoration? More than that, Fanshaw lingered on the treaty of 1630, a treaty which Clarendon had instructed him to ignore,<sup>4</sup> and which Sandwich avoided. Its continuance would have denied our rights to Jamaica, and the Government of Charles II. was determined in preserving the conquests of Cromwell; there should be no loophole for ambiguity. In addition to actual omissions in the treaty, Fanshaw irritated the Council by his hasty signature. He signed in Spanish, and defined the time in which Charles should ratify. His want of prudence was his undoing; the merits of his work were overlooked. As his treaty never became law, the merchants had no chance of judging whether it could be worked in a satisfactory manner. But Fanshaw did not understand trade questions, nor was he interested in them. On the other hand, Lord Sandwich had experience of such matters. Under successive dynasties he had been a member of the Council for Trade, a Commissioner of the Treasury, and a Councillor of State. He had the practical knowledge of administration which Fanshaw lacked, and was well acquainted with those commercial questions which were of inter-

<sup>1</sup> Article xxxvi.

<sup>2</sup> Lady Fanshaw, *Memoirs*, Appendix, p. 247.

<sup>3</sup> Fanshaw's treaty, Article xxxi.

<sup>4</sup> Fanshaw, *Letters*, p. 213.

national importance. He was careful to avoid offence, and to supplement his own steps with advice from home. His treaty was in Latin, and its signature in proper form, which helped it to a due meed of praise and consideration.<sup>1</sup>

The signature is simply detailed by Sandwich in his journal :

"*May 13.*—At 6 in the afternoon we had a *Junto* at the Palace and signed interchangeably the treatyes of Commerce, and that of Portugall and the Secrett Article. All in the Latin Tounge."

"*May 14.*—I had an audience of the Queen at 5 o'clock in the Afternoone to give her Majesty the *Para Bien* of the conclusion of the peace. The Kinge beinge newly recovered of the measills did not as yet permitt any visites."<sup>2</sup>

The treaty was dispatched immediately, and on a hazardous journey. One copy was sent by a vessel "which had the ill fortune at the entry to the English channel to be boarded by a French man of war, whereupon the messenger flung the packet overboard."<sup>3</sup> Another packet, "made up in Seare cloth and corded," was dispatched from Cadiz, but apparently never reached England.<sup>4</sup> In the end Sandwich sent the treaty from Corunna to Kinsale, and then on to Milford Haven, by a "trusty and ingenious" messenger, Henry Sheres. He arrived in September, and on the 9th the treaty was read in Council, with "universal applause and approbation," and every sign of favour.<sup>5</sup> It was

<sup>1</sup> Some of the merchants were willing to see Fanshaw's treaty ratified early in 1666, most probably because they were anxious to resume trade, and did not wish any further delay. "Lord Sandwich and Mr. Godolphin for the Honour of their owne negotiation press hard to make voyd the old and insist on the new" (*Carte MSS.*, 215, f. 250).

<sup>2</sup> *Sandwich MSS. Journal*, iii. 890.

<sup>3</sup> *Carte MSS.*, 35, f. 562 : Sandwich to Ormond.

<sup>4</sup> *S. P., For. : Spain*, 52, f. 327.

<sup>5</sup> Arlington, *Letters*, ii. 235.

looked upon as "very advantageous . . . for us ; many things graunted for our merchants that were not so much as asked before."<sup>1</sup> And Pepys said :

"The peace made with Spain is now printed here, and is acknowledged by all the merchants to be the best peace that England ever had with them. . . . This I am mighty glad of, and is the first or only piece of good news, or thing fit to be owned, that this nation hath done several years."<sup>2</sup>

The treaty was speedily ratified, and Sheres left England on October 15, arriving in Madrid early in November.<sup>3</sup> There the work was equally welcome, and Muledi wrote to Ormond, "The treaty between the two monarchies . . . is considered as an infallible omen of lasting happiness," and added that no public concernment of this nature had he ever heard more applauded. Sandwich and Godolphin, by their prudent and solid comportment, had gained the honourable style of great Ministers.<sup>4</sup> The treaty arrived in two parchment books with silk and silver strings, and the Great Seals of England placed in silver boxes, graven with the royal arms. It was printed in Spanish, and on November 30 it was publicly celebrated, with all manner of festivities, bonfires, illuminations, and dancings.<sup>5</sup>

<sup>1</sup> *Carte MSS.*, 215, f. 382 : Clifford to Ormond.

<sup>2</sup> Pepys's *Diary*, September 27. The King expressed his great satisfaction by a message sent through Arlington (*Carte MSS.*, 75, f. 540).

<sup>3</sup> Arlington, *Letters*, ii. 262.

<sup>4</sup> *Carte MSS.*, 35, f. 584.

<sup>5</sup> *Sandwich MSS. Journal*, v. 524 ; *S. P., For. : Spain, News Letters*, 91, ff. 138, 153.

## II. THE PEACE OF LISBON.

“Although Fortune is fickle, she smiles on work.”

*Spanish Proverb.*

The signature of the commercial treaty was hastened by outside pressure, since the negotiations became more and more closely involved in the question of the Spanish Succession. By the marriage contract of Louis XIV., his wife had renounced her claim to any portion of the dominions of the Spanish Crown. Yet on the death of his father-in-law, Philip IV., Louis had torn the contract in pieces. He put forward Maria Theresa's claim to the province of Brabant, and determined to add this to the French dominions in virtue of his wife. The Spanish lawyers appealed to the clause of renunciation, but this had been conditional on Maria Theresa's dowry being fully paid. Spain had not paid the dowry, and Louis and his Ministers did not wish that it should be forthcoming.<sup>1</sup>

The great stroke of the French lawyers was the use of the law of devolution. By this law, which was purely local, land in Brabant passed to the eldest child, male or female, of a first marriage. Had it been the question of a farm or a few houses, the inheritance would have assumed less importance; but customary law was used to effect the balance of power, to transfer a whole province from one Crown to another, and to enlarge the boundaries of France. For three years the jurists had debated the question; but while Spain discussed legal niceties, Louis prepared to enforce his claim by occupation. He signed a secret treaty with the King of England. He kept his Ambassador partially in the dark, and took every

<sup>1</sup> Legrelle, *La Diplomatie Française et la Succession d'Espagne*, i. 25, 30, 63.

precaution to hush the Spaniard. The state of war which Europe had foreseen found Spain unready. Her ministers continued so blind to the French intentions that Temple wrote: "I know no way for them but to go to the Hôtel des Incurables."<sup>1</sup>

Their awakening was rude. Louis massed his troops upon the frontier of the Netherlands. In May he began operations, and town after town fell into French hands. The demands which he formulated were sent to the Archbishop of Embrun, and were presented to the Queen of Spain on May 7.<sup>2</sup> The immediate effect of this ultimatum was the signature of the Anglo-Spanish treaty of commerce, followed by the rupture of diplomatic relations between France and Spain. This was of the deepest interest to Sandwich, and placed him in a most favourable position. His greatest rival was withdrawn, for d'Embrun left Madrid on July 27, amid the execration of the Spaniards, and in danger of outrage.<sup>3</sup> The path was thus clear for further work, and Sandwich addressed himself to the consideration of an offensive and defensive alliance.

For this he demanded a price: not only commercial good faith, but advantages which his treaty left untouched; he showed a real knowledge of mercantile privileges, and presented questions in their first stage, which required many decades for their solution. The journals contain ample evidence of the interest which he took in his country's commerce. He collected statistics on the Spanish wool trade, and made suggestions for a possible monopoly of Campeachy logwood.<sup>4</sup>

<sup>1</sup> *Carte MSS.*, 35, f. 392.

<sup>2</sup> *Sandwich MSS. Journal*, iii. 878, 882, iv. 32.

<sup>3</sup> *Ibid.*, iv. 309, 316.

<sup>4</sup> *A Secret Collection*, pp. 93-105. This is the Ambassador's summary of his opinions. See also *Sandwich MSS. Journal*, v. 88.

For this the Dutch were said to have bidden a million and a half of money.<sup>1</sup> Above all Sandwich aimed at further concessions in the West Indies. The Spanish Main was a theatre of adventure and romance, and the Spanish possessions still had the glamour of untold riches. The English Ambassador looked with envy on the richly-laden galleons; eight royal ships were in constant service to the Indies, and four or five licensed vessels went in their company; their departure was marked by religious ceremonial, their return was a national event. However ill-distributed the wealth, there was no doubt of its magnitude. It roused in Sandwich just that curiosity and covetousness which had given excitement to the Elizabethan seamen. For months he sought concessions, but as hotly as he demanded entry, so did the patriotic Spaniard stoutly resist him—as “a thing which could never be granted, and . . . the same to them as to lose the Indies.”<sup>2</sup> But in this matter Sandwich was persistent. During the six months which covered the negotiations for an Anglo-Spanish league he urged concessions in the Indies, first to Medina, and later to Don Juan, who became a friend of the Ambassador.<sup>3</sup>

Don Juan was a natural son of Philip IV., and, as he was an active and fairly popular man, intrigue dogged his footsteps. The Queen feared his influence, and made him unwelcome at Madrid, but when Sandwich knew him, he was in temporary favour, and was housed in the Buen Retiro. There the Ambassador

<sup>1</sup> *Sandwich MSS. Journal*, vi. 50.

<sup>2</sup> *Ibid.*, vi. 50.

<sup>3</sup> Sandwich was at the same time anxious that we should keep faith with the Spaniards, and urged Clarendon “to suppress the piracies and depredations the English have exercised upon them in the Indies and elsewhere” (*Clarendon MSS.*, 85, f. 275). See also his letter in *A Secret Collection*, p. 13.



paid his court, and spent a musical afternoon, in order to hear Don Juan play.

"When I came in," Sandwich writes, "he would needs have mee play my part also, soe his Highness playd upon a treble violl with seven strings (the smallest whereoff is an addition of his owne to play lessons that rise much in alto, without the difficulty and uncertainty of stopping with one's fingers very low on the finger board and beneath all the fretts) and another upper bridge (some two inches on the finger board beneath the usuall one that soe the smallest string might hold the better). Don Juan tells me also that an Italian in towne plays on the violin with five strings for the same reason.

"I played at first on the Bass violl. The first musique wee played was the 1st and 2nd suite of Mr. W. Lawes his Royall Consort. The next were short light ayres composed in Flanders. The last was a composition of two trebles and a Bass, by Mr. Gregoryes, when his Highnesse played on the Base violl, and I on the treble violin.

"His Highnesse plays a sure part of the Treble and base violl, theorbo, and Harpsicall from a ground. He plays (and will have others doe soe too) very soft; loves light ayres best, and goes still forward on, never plays the same thinge twice."<sup>1</sup>

It was to Don Juan that Sandwich put forward the concessions which England would require, before entering upon an offensive and defensive league.<sup>2</sup> That he did not urge: "I shall keep myself passive," he wrote.<sup>3</sup> He was full of schemes, which he had evolved during a long residence in Madrid, and which tended materially to our advantage.<sup>4</sup> He desired a considerable subsidy in exchange for the help of our ships. In the case of war with France, some loss of commerce was expected. This Sandwich proposed to balance by an

<sup>1</sup> *Sandwich MSS. Journal*, v. 262.

<sup>2</sup> *S. P., For.: Spain*, 53, f. 53: Sandwich to Arlington.

<sup>3</sup> *Clarendon MSS.*, 85, f. 275.

<sup>4</sup> *Sandwich MSS. Journal*, vi. 184-198.

*assiento*; he suggested that Spain should give us liberty to send one ship yearly to the Philippines, three vessels to Buenos Ayres, two with the galleons, and two to New Spain, there to enjoy freedom of commerce.<sup>1</sup> He also asked security for any conquests made in America or Africa, and the acknowledgment of lawful right and possession, if made from the enemies of Spain. And if Spain made new conquests, the English there were to have a grant of equal privileges. Little wonder that Don Juan thought the concessions too great: that the ships would yield immense profits, and destroy Spain's West Indian trade.<sup>2</sup> But Sandwich insisted that his propositions were not extravagant, that England must have some compensation for losing the French trade, and that Spanish commerce frequently suffered from want of merchants. He purposely undervalued the trade of Buenos Ayres, in secret thinking it a most valuable privilege.<sup>3</sup> The time was not ripe for such an intervention in Spanish preserves, and Sandwich pressed in vain for the privileges which England afterwards obtained. His demands appeared at the time so exacting that one of the *grandees* said, "If a man were to have his cloak taken, it was not much matter whether it was his friend or his enemy that took it."

Extravagant as seemed the concessions which Sandwich asked, a league would have been of very real use to Spain. Some of the Spaniards hoped to see an English fleet riding outside Lisbon, and the troops under Schomberg turned against the Portuguese.

<sup>1</sup> *A Secret Collection*, pp. 98-101.

<sup>2</sup> See Georges Scelles, *La Traité Nègrière aux Indes de Castille*, i. 524-529. M. Scelles treats the commercial difficulties very fully.

<sup>3</sup> An account of this conversation is in the *Lansdowne MSS.*, at Lansdowne House (lxxv. 231). The writer is indebted to the Marquess of Lansdowne for permission to see the volume.

Spain could then concentrate her whole attention upon Flanders and the war of devolution.<sup>1</sup> The more sanguine of the Spaniards dreamed of a triple alliance which would include Portugal, detach her from France, and throw the Portuguese troops into Flanders.<sup>2</sup> While a league was under discussion, Spain outlined her demands. The chief of these was for the assistance of our navy. The Spaniards hoped that twenty good ships would be available for their use, and desired that England should declare an open and aggressive war on France. To subsidize our ships, they suggested a loan of £100,000.<sup>3</sup> Sandwich was ready to respond to "invitations and benefits," and regarded it possible that English interests might be served by such a war,<sup>4</sup> but he awaited commercial concessions, in addition to the subsidy. The negotiations dallied, for neither side was fully in earnest. The secret agreements of Louis XIV. and Charles II. influenced the instructions sent to the Ambassador.<sup>5</sup> From home came advice to temporize, and the coming of peace in Europe rendered a league less urgent. The negotiations gradually dwindled into discussions over liberty of commerce, the abolition of unnecessary quarantine, and the better security of our merchants.<sup>6</sup> And a league was difficult to frame owing to innate Spanish pride. The danger of a refusal was more than Spanish dignity could brook; their diplomatists were unwilling to make the first propositions, "as a thinge that would disgust the ministers of this Court."<sup>7</sup>

The pride which hampered the propositions for a league hampered the more essential question of a peace with Portugal. "The great objection was that

<sup>1</sup> *Sandwich MSS. Journal*, v. 31.

<sup>3</sup> *Ibid.*, iv. 43.

<sup>5</sup> The secret treaty was signed in 1667.

<sup>6</sup> *Sandwich MSS. Journal*, v. 98, 376.

<sup>2</sup> *Ibid.*, iv. 92.

<sup>4</sup> *Ibid.*, vi. 184 *et seq.*

<sup>7</sup> *Ibid.*, iv. 48.

Spain should not have the dishonour to offer Conditions before they knew whether Portugal would accept or noe."<sup>1</sup> Thus many months were occupied in tentative discussions, and more than a volume of the Ambassador's journal contains little of moment. In England bribery was at work in acquiring sympathy for Spain.<sup>2</sup> The one thing needful was some sort of concession to Portugal. This was admitted by the Inquisitor-General,<sup>3</sup> but the proposals of one Minister were immediately traversed by the next. Continued factions divided the Council ; to humour one grandee was but to offend another. Each in turn wanted the credit for any chance results : first it was Nithard who called Sandwich to a secret consultation ; then Medina ; then Peñaranda. When the Ambassador had seen Nithard, a secret message would come from the Duke, counselling him to "use juntoes," and not to make others jealous by "too much application to the Inquisidor Generall," with a warning, says Sandwich, "not to discourse unto the Inquisidor anythinge of that that had passed betweene mee and the Duke in the last visite he gave mee."<sup>4</sup> Then Don Juan of Austria regarded any concessions as a certain loss of reputation, and wished Sandwich to communicate privately with Portugal.<sup>5</sup> Like the rest of the Spaniards, he rejected any undue haste, and was typical of Spain and its delays.

Amid such discussions Sandwich turned neither to the right nor left. He feared lest any promise on his part should be taken as favouring the Spaniards and neglecting the Portuguese. His speech bore what the

<sup>1</sup> *Sandwich MSS. Journal*, iv. 134.

<sup>2</sup> *Ibid.*, iv. 92. The name of the receiver of these bribes is carefully omitted. Only a line is put, indicating that Sandwich knew the name.

<sup>3</sup> *Sandwich MSS. Journal*, iv. 98.

<sup>4</sup> *Ibid.*, iv. 120.

<sup>5</sup> *Ibid.*, iv. 208.

Spaniards called an appearance of dryness.<sup>1</sup> He was patient, stolid, and impassioned, and refused to be anything but an impartial mediator. All he desired and determined to know was the amount Spain would concede.<sup>2</sup>

Thus, in the business of Portugal, Sandwich felt his way. The aggression of France, and her continued success in Flanders, gave him better hopes of a settlement. But the Spaniards found it unseemly to agree with a Court which had gone over to the French interest, and recurred to a form of league between England and Spain, which Portugal should join, or be prosecuted as a common enemy; at the same time they hinted that if Portugal came in the title of King might be accorded.<sup>3</sup> Their temper was inclined to a truce rather than a peace. The distinction was important. By the first they did not resign, but only suspended their claim to suzerainty; by the second they ceded a claim to sovereign rights, and that during a minority. Their attitude was such, that if a truce could be obtained the title of King would be acknowledged. This had been in part agreed by a secret article, pendent to the commercial treaty. The question was discussed at a series of conferences during May and June.<sup>4</sup> From the first Sandwich urged the change of style from *Corona* to *Rex*, and after some days' debate Medina hinted that his wish might be granted. And as Spain inclined to concession, and appeared more gracious, the English Ambassador took advantage of her attitude. Before her heart was hardened he wrote to the Inquisitor-General, and emphasized the need for an agreement.<sup>5</sup>

<sup>1</sup> *Sandwich MSS. Journal*, iv. 388.

<sup>2</sup> *Ibid.*, iv. 102.

<sup>3</sup> *Ibid.*, iv. 62.

<sup>4</sup> *A Secret Collection*, p. 33.

<sup>5</sup> *Sandwich MSS. Journal*, iv. 143.

At length an attempt was made to test the pulse of Lisbon.<sup>1</sup> A messenger who had come from Southwell—John Sampson—was dispatched with papers. He bore the offer of a truce for forty-five years, which Spain thought enough, “considering also the goodness and security of it for Portugal, and the deceitfulness of the French for Portugal to relie upon.”<sup>2</sup> He had instructions from Sandwich to linger on the way, in case more concessions should be obtained.<sup>3</sup> On July 6 he arrived in Lisbon and delivered his packet to Southwell.<sup>4</sup> The news of the commercial treaty, destined to include Portugal, was well received, but the other papers were rejected on the ground of their superscription. This ran from Crown to Crown instead of from King to King. The appearance of indignity offended both rich and poor, and it was obvious that the title was the stumbling-block. The failure had little effect at Madrid. The *Junta* hoped for resentment on Sandwich’s part at the want of grace with which his mediation was received; but he said little, and Medina again deplored the Ambassador’s dryness of discourse. He threatened to make use of other mediators, but Sandwich wrote and assured him of his unbroken interest in the affair. His letter had an excellent effect, and the Duke told him it “had wrought wonders in the Councell of State, and prevented much danger.”

Once more the unwillingness of the Spaniard was moved by outside events. On July 21 was signed the Treaty of Breda, which ended our naval war with the Dutch and their nominal ally, France. Coupled with the obvious determination of France to annex part of Flanders, the treaty was sufficiently alarming.

<sup>1</sup> *Sandwich MSS. Journal*, iv. 222.

<sup>2</sup> *A Secret Collection*, p. 33.

<sup>3</sup> *Sandwich MSS. Journal*, iv. 249.

<sup>4</sup> *S. P., For. : Portugal*, 8, f. 177.



Not only did it wipe out our quarrel with the French, but it set them free to prosecute the war against Spain.

On August 14 news of the treaty came to Madrid, and two days later Medina informed Sandwich that the Queen had decided to grant Portugal the title of King, to make a perpetual peace, and "settle unto them the rights belonging unto the Church; the principal things . . . that Portugal can in reason insist upon or hope for."<sup>1</sup> From that moment Sandwich determined to pin down the basket, though he knew that a verbal promise was a different thing from a written mandate. He saw that Spain had perhaps offered more than she could concede; but he used the offer as a point from which to bargain. He took the utmost precaution to separate the question of Portugal from that of the league, and was blamed for insisting on a several settlement. His insistence paid. He was able to keep the question clearly before the Councils, and in a month's time Poetting, the Emperor's Ambassador, informed him:

"There is no doubt but these ministers now cordially desire the peace of Portugall, at any Prise; But this is the point they sticke at not to declare themselves before they are sure Portugal will accept, least upon the refusal of Portugal in that case they should undergoe soe greate an affront in the eyes of the world."<sup>2</sup>

The caution of the Spaniards kept the negotiations long drawn out. While they reiterated their desire for peace, they cavilled at any dictation as to the manner by which it should come about. On September 9 Sandwich suggested settlement on an old basis, the project offered by Fanshaw in 1666, which was indeed much

<sup>1</sup> *Sandwich MSS. Journal*, v. 28.

<sup>2</sup> *Ibid.*, v. 140.

the same project as the Queen was now prepared to offer, apart from the concession of the title.

Peñaranda "argued against it as a greate indecency for this Crowne, and wanting President for one part to signe a Project about which they had had noe treaty nor Conference with the other party. For that of having not treated with the other party, I told him," says Sandwich, "I had a treaty by mee made at Salvatierra by my Lord Fanshaw, whereunto the Conde Castel Melhor had by order sett his hand ; and for the acceptance of which by the King of Portugall wee had had security from him the last winter, soe that wee had reason to thinke the matter of that project would please now."<sup>1</sup>

Sandwich thus obtained an examination of a scheme which the Spaniards had formerly rejected. In it they found "some impertinencies," especially as to the exemptions from pardon and the restoration of estates.<sup>2</sup> But the Queen had declared her decision to treat "*de Rey a Rey* and in form of a peace" and now Sandwich saw that he could insist upon concessions. Though negotiations were again protracted, there was more than a glimmer of hope.

The necessity for peace was immediate. The war still dragged on, though the two years since the battle of Montes Claros had not been marked by any important engagement. The combatants kept up their armies, and were at considerable expense, Portugal maintaining some 8,000 horse and 18,000 foot. During the summer of 1667 they were inactive—"all quiet in this Kingdom and little appearance of any war ;"<sup>3</sup> but in October "the Portuguese fell on Galicia: cut off three hundred Spaniards, tooke as many Horse, a hundred Prisoners ; ten Officers, three of them persons

<sup>1</sup> *Sandwich MSS. Journal*, v. 154.

<sup>2</sup> *Ibid.*, v. 212-214.

<sup>3</sup> *S. P., For. : Portugal*, 8, f. 168.

of quallity, besides eight hundred Oxen, six thousand Sheepe, three thousand Hoggs, a great company of Mares, and a vast Booty to the Souldiers.”<sup>1</sup>

Such events made it necessary for Spain “to plucke out of theire Sides that thorne of the warr of Portugall,” and by concessions to detach Portugal from France. Negotiation was the more easy, in that there were signs that Portugal was none too satisfied with her ally. France afforded little active help, for it was not her policy to do so. Her objective was Flanders; and as long as Spain was harassed, France gained her ends. While she won Brabant, the summer brought little success to Portugal. She had expected more from the promises of St. Romain—more ships, more sailors, and more money. Instead, France had so worked “upon the necessities of Portugal, and obtruded conditions soe exorbitant, that it is apparent they have hereby imposed rather the bonds of servitude, than offered those of friendship.”<sup>2</sup> Given the title, peace with Spain would follow. The French were aware of this, and again promised to send more money. Mean while the possibilities of a settlement were profoundly influenced by events in Lisbon.

While Sandwich pressed the Spaniards for concession, strange news from Portugal filtered over the frontier. The troubles at Court were detailed by Southwell in a series of admirable letters. The trend of events provided him with vivid material, for Portugal was in the travail of revolution. When John IV. died, in 1656, he left his crown to a son, Affonso, then thirteen years of age. The boy grew up under the care of his mother, but caused her bitter disappointment, for his youth was marked by every inclination

<sup>1</sup> *S. P., For. : Portugal*, 8, f. 256.

<sup>2</sup> *Sandwich MSS. Journal*, iv. 385.

towards degeneracy and profligacy.<sup>1</sup> He developed characteristics of the worst type. He was weak, immoral, greedy, and drunken.<sup>2</sup> He took little or no exercise, and adopted grotesque methods of dress which only served to exaggerate his eccentricities of limb. He was timid, yet violent, and when his passions were aroused he became a real danger to those about him. Affonso VI. had a brother, Dom Pedro, who appeared by contrast as if endowed with all the virtues. Writers extolled his robust constitution, his wonderful strength, and great activity of body. He was temperate, though not chaste, and "vain, trifling, weak, and arrogant, but preserving an exterior air of gravity, which suited the Portuguese."

Beside these two brothers stood the Queen. In 1666 Affonso married Mary Frances Elizabeth of Savoy, Duchess of Nemours. She was young and ambitious, and worked hard for the completion of the French alliance. Her passion for intrigue brought her the distrust of Affonso, and their married life was marked by much unhappiness. Queen Mary, so Poetting told Sandwich, would reply sharply to Affonso if he protested against her interference in politics, and give him "four words for one."<sup>3</sup> There came a rapid estrangement, and a consequent dissolution of the Court into rival factions. Intrigue flourished, confusion increased, and ill-feeling was fostered by gossip. Within a few months of her marriage the Queen proclaimed the impotence of her husband, stating that she was wife and no wife—that "she had not altered her state of virginity."<sup>4</sup>

The blame for Affonso's neglect was foisted by

<sup>1</sup> Carte, *Revolutions of Portugal*, p. 177.

<sup>2</sup> Mignet, *Négociations*, ii. 565.

<sup>3</sup> *Sandwich MSS. Journal*, vi. 56.

<sup>4</sup> *S. P., For. : Portugal*, 8, f. 250.

Mary Frances on to the King's chief Minister. For five years the affairs of Portugal had been guided by Luis de Vasconcellos de Sousa, Conde de Castel Melhor. There is little doubt of his efficiency and integrity, but he failed to gain the sympathies of a fickle people, and shared the unpopularity of his master. He was blamed for delaying the agreement with France, and equally for the delay of the peace with Spain. He was the political scapegoat. He, too, had his hatreds. Above all, he disliked the Queen as much as she disliked him. He was jealous of her influence. He found occasion to complain that an audience had been delayed because of an unduly long interview between Mary Frances and her secretary.<sup>1</sup> The innuendo caused the bitterest offence, which was redoubled when a creature of Castel Melhor's implied in Council that the Queen was an enemy to Portugal—a mere servant of France.<sup>2</sup> From that moment the Court was rent in twain. On the one side stood the King and his Minister, on the other the Queen and Dom Pedro.

The quarrel rapidly developed, and the solution was foreshadowed. At a Council held in August it was announced that the Queen was not with child. At the same Council it was decided that Dom Pedro ought to marry.<sup>3</sup> Popular feeling rallied round the Queen and the Infante; public opinion pointed to a possible match. The constitution of Lisbon admitted a tribune of the people, the *Juiz do Povo*. At this time he was a litter-maker. With his red wand as badge of office, he played the part of governor, agitator, and spokesman of the discontented. He could wield a strange influence with the mob, unsteady in action, and de-

<sup>1</sup> *S. P., For. : Portugal*, 8, f. 67.

<sup>2</sup> *Ibid.*, 8, ff. 203, 386.

<sup>3</sup> *Ibid.*, 8, f. 165.

pendent upon the passions of the moment. He and his followers turned towards Dom Pedro, and chose to make his grievances their own. They regarded his life as endangered by a plot to poison him, which they said was planned by Castel Melhor. They extolled Dom Pedro as the defender of their liberties. He played on their enthusiasm, and threatened withdrawal from the kingdom unless Castel Melhor were removed. Fantastic methods—men dressed as ghosts of the dead—were devised in order to purge the King's party and drive them out of Lisbon.<sup>1</sup> As the nobles were divided, a faction turned the scale, and Castel Melhor wisely withdrew.

The withdrawal of the minister was followed by strange events. While confusion was at its height the Queen retired to a convent, and issued a manifesto against her unnatural marriage. The King was furious; he went to the convent, and attempted to break down the gates. Such sacrilege enraged priests and people beyond endurance. Their temper alarmed Affonso, and he threatened flight. Thereupon the Infante represented the forces of order, restrained the people, and kept his brother in the capital.<sup>2</sup> The popular will made Pedro Regent, and on November 13 Affonso was deposed. Report made out that he had resigned, but in order to secure his person, writes Southwell, "all the doores about him are walled upp but one. And this is by the Warlike Cherubims soe guarded, that what is wanting of the flameing Sword, is made up with Indignation and Gunpowder."<sup>3</sup> The King once secured, the people cried out for a Parliament, and the assembly of the Cortes was fixed for January, 1668.

<sup>1</sup> *S. P., For. : Portugal*, 8, f. 242.

<sup>2</sup> Schäfer, *Geschichte von Portugal*, iv. 630.

<sup>3</sup> *S. P., For. : Portugal*, 8, f. 313.



The series of events was eagerly watched in Madrid. The relations of the King and Queen had long been known, and the downfall of the Minister was of real importance to Sandwich. Our consul wrote that Dom Pedro was "a prince of greate partes and resolution, and one who expresses abundance of kindnesse to our nation."<sup>1</sup> This promised well for a change of policy. The French alliance had been the work of Castel Melhor, and had been ratified by Affonso. Now that his reign was ended, the French alliance would doubtless give way. An English party came to the front. The Queen and Dom Pedro were forced to choose between France and power. They were taken unawares, and had no time for subtle diplomacy. Certain of the *grandees* were scandalized by the Infante's high action.<sup>2</sup> His security came only from a faction of the nobles, and his popularity from the people. He knew their fickleness, their fondness for the kingly title, and feared that, once rid of the Conde, they would desert him.<sup>3</sup> He had one strong card to play which would enable him to keep the popular support. He could end the war. "The people chose peace rather than to be dragged at the heels of France."<sup>4</sup> "The commonalty admitted of no argument against the peace."<sup>5</sup> The news letters reiterated the desire in Portugal for a termination of the struggle. The clergy and the merchants soon joined the peace-makers; the army alone was for further fighting.<sup>6</sup>

One by one the hindrances to settlement were removed. With the Marquess of Sande's murder, the French lost one of the nobles most active in their

<sup>1</sup> *S. P., For. : Portugal*, 7, f. 179.

<sup>2</sup> *Ibid.*, 8, f. 305.

<sup>3</sup> *Ibid.*, 8, f. 13.

<sup>4</sup> *The Portugal History* [by S. P.].

<sup>5</sup> *S. P., For. : Portugal*, 9, f. 22; *Spain, News Letters*, 91, f. 80.

<sup>6</sup> Schäfer, iv. 678. Compare also *Sandwich MSS. Journal*, iv. 111.

interest, and most lukewarm towards the English.<sup>1</sup> The order lapsed which prohibited ministers from crossing the frontier. Settlement with Spain became a policy, the only one for the man who sought to rule Portugal. To Dom Pedro it was a question of accepting terms, or facing popular discontent at the very outset of his rule.<sup>2</sup> By December 3 he had made his choice, and Southwell intimated to Arlington that "peace would infallibly be embraced at the meeting of the Cortes."<sup>3</sup>

The combination of affairs in Spain and Portugal gave Sandwich opportunity to round off his mission, and to become the peacemaker. He could work not only upon the changes at Lisbon, but the attitude of France was decidedly threatening, and Spain was like to lose further territory. Even then it was not possible that the peace could be arranged without trouble as to matters of form. Two months were occupied in the prelude, and many pages of the journal are filled with wearing disputes about etiquette and expedients. At first it was decided to send Godolphin in company with a Spaniard, who should carry terms,<sup>4</sup> but as the mediator, being only an envoy, would thus be pushed into the background, Sandwich decided to go to Lisbon in person.<sup>5</sup> To that the Spaniards objected, lest such an effort should alarm the French, but eventually they agreed. They wished to grant Sandwich limited powers, and to put the matter in the hands of the Marquess of Carpio, then a prisoner in Lisbon, but Sandwich objected. As he said, the Marquess "may die, before I come there, and

<sup>1</sup> *S. P., For. : Portugal*, 8, f. 330.

<sup>2</sup> Antonio Caetano de Sousa, *Historia Genealogica da Casa Real Portuguesa*, vii. 465.

<sup>3</sup> *S. P., For. : Portugal*, 8, f. 360.

<sup>4</sup> *Sandwich MSS. Journal*, v. 368.

<sup>5</sup> *Ibid.*, v. 406.

then the power is abated.”<sup>1</sup> He demanded a full commission to treat on definite terms, but these he promised to keep secret, lest he should be faced with a refusal. On November 3 he received 4,000 *pistoles* for his journey.<sup>2</sup> He was then delayed by a refusal of the Spaniards to hand him full powers, and by endless debate on the question as to whether he should have them. During no period of his career did he show more determination and more common-sense. At the risk of seeming cold and unwilling, he refused to move without a free hand and full powers to treat; he rejected ambiguity, and stood firm. At length, on November 25, after nearly a month’s wrangling on the part of Spain, he had his way, and the papers were given him in the proper form—the powers to the Marquess, his own commission, and the thirteen articles of peace.<sup>3</sup>

Not until the end of the year could Sandwich get away from Madrid. On December 26 he took coach for Portugal. “Never was anyone accompanied with more good wishes,” said a news letter.<sup>4</sup> Again the journal contains a hundred pages devoted to the journey. In his descriptions Sandwich used nautical terms, and left this town on the beam, that on the starboard side. He was frequently entertained; his hosts delighted in showing him Roman remains and the sights of the towns, and he was highly pleased with a book of Latin antiquities presented to him by the Governor of Merida. As he neared his destination he was afraid that he might be stopped on the frontier, but the changes in Portugal ensured him a welcome; he was greeted with volleys from the trainband, and

<sup>1</sup> *Sandwich MSS. Journal*, v. 420.

<sup>2</sup> *Ibid.*, v. 490.

<sup>3</sup> *Ibid.*, v. 496.

<sup>4</sup> *S. P., For. : Spain, News Letters*, 91, f. 7.

given a guard of horse. At Badajoz he was accorded a splendid reception; and at Estremos he was entertained in Schomberg's quarters, and escorted there by Portuguese troops and some English battalions, who, he says, cheered him in the English fashion.<sup>1</sup>

On January 12 he arrived in Lisbon.<sup>2</sup> The people were celebrating the feast of St. Vincent, the patron saint of the city, and the place was alive with bustle and gaiety. Crowds turned out to meet him, and he found two of the King's barges in waiting for the passage of the Tagus.

"At the shore-side," wrote Sandwich, "Sr. Don Lucar—the master of Ceremonies (the same that was in the place when I was here before, Ambassador to conduct the Queen for England) attended to receive me with six coaches, and soe we passed on through the streete untill wee came neere in sight of the Palace, and soe up the Towne, through the Placa Mayor unto the house of the Duke of Aveiro called St. Sebastian de Pedrero, very nobly furnisht for mee, and very noble entertainment provided for mee at the King's chardge."<sup>3</sup>

The visit to Lisbon was a welcome change after two years in Madrid. From endless argument Sandwich passed to action. His journal takes on a tone of interest and enthusiasm. The Ambassador had pleasant recollections of his former visit, and found that his old friends had not forgotten him. His diary tells us—

"The Conde de Pontevell (who together with his lady had heretofore gone along in my Shipp with the Queene for England) made mee a visit. . . . Count Shomberg (General of the stranger forces in Portugal) and allied to mee by his mother, came and visited me."<sup>4</sup>

<sup>1</sup> *Sandwich MSS. Journal*, vii. 240-340.

<sup>2</sup> The date is in the old style, which Sandwich always uses.

<sup>3</sup> *Sandwich MSS. Journal*, vi. 356.

<sup>4</sup> *Ibid.*, vi. 364, 400.

The Swedish Resident assured Sandwich that his coming was welcome, and that Sweden would stand neuter and assist in composing the differences between France and Spain.<sup>1</sup> He also received encouragement from a number of the Portuguese nobles.<sup>2</sup>

The one jarring note came from the French Resident, the Marquis de St. Romain, who entered a vain protest.

"He said," wrote Sandwich, "he heard from Monsr. Leon that Monsr. Ruvigny had offered a treaty in England to make a League with the King my master against Spain and Holland too, in case they should attempt to relieve Flanders. And said that he had heard it was in a good forwardnesse, and likely to succeed; and said it would be ill resented by the King his master that the King of England in the mean tyme should be inviting his allyes to breake their league with him, a league whereunto the King my Master had consented."<sup>3</sup>

Sandwich paid no regard to the protest, but set matters in train. Minor difficulties hindered the beginning of the work. The position of the Marquess of Carpio and his fellow-prisoners was delicate and peculiar; and tact was needed to keep the affair from disaster upon this quicksand. The Marquess, who had been captured at Amegial, was a prisoner of war, but the commission from Madrid armed him with plenary powers. When he received his credentials he was neither Ambassador nor public Minister, and he could no longer be a prisoner.<sup>4</sup> The Portuguese at length consented to his liberation on the English Ambassador's parole, and the first difficulty was settled.<sup>5</sup>

More trouble was occasioned by Southwell's attitude.

<sup>1</sup> *Sandwich MSS. Journal*, vi. 398.

<sup>2</sup> *Ibid.*, vi. 418-420.

<sup>3</sup> *Ibid.*, vi. 440.

<sup>4</sup> Wicquefort, *The Rights of Ambassadors*, p. 211 (edition of 1740).

<sup>5</sup> *Sandwich MSS. Journal*, vi. 441.

The arrival of Sandwich had pushed him into the second place.<sup>1</sup> He had already been negotiating with Carpio, and the two men wished for all the credit. Southwell was proud of "the friends and party" to the peace that he claimed to have made, and he wrote to Sandwich saying that he was in hopes not to leave the kingdom without partaking in the conclusion of the work.<sup>2</sup> The Marquess desired Southwell's admission to the meetings, and this Sandwich refused.

"I saw no good pretence for it," he writes, "he haveinge nothinge to doe in the affaïre, the Commission from the King of Portugall being to those Lords to treat with mee and the Marquis of Carpio, and no mention of Sir Robert's name; soe that I believe the Lords would have refused to admitt him, and the letter from the Secretary yesterday intimates the same. Besides his qualitie is soe much inferior to every one there, that it would have been hard to adjust a place for him amongst us, where he should sitt. Moreover I conceive it against practise, and not honourable for mee to admitt it."<sup>3</sup>

This attitude brought forth expostulations from Southwell, both verbal and written, and matters grew somewhat bitter; but Sandwich kept to his point, and laid much stress on the difference between an ambassador and an envoy. The commissions were separate. There was "no precedent for an envoyes joining with an extraordinary ambassador," and Sandwich refused to "innovate in this case."<sup>4</sup> He had had no such claim from Meadows in Denmark nor from Godolphin in Spain. He was dealing with a people peculiarly punctilious, and felt it necessary to exercise every caution. His attitude was correct, but it exasperated Southwell, and the Envoy threatened instant

<sup>1</sup> *Sandwich MSS. Journal*, vi. 356, 368.

<sup>2</sup> *Carte MSS.*, 75, f. 575.

<sup>3</sup> *Sandwich MSS. Journal*, vi. 428.

<sup>4</sup> *Ibid.*, vi. 436.



departure for England. This, said Sandwich, was indiscreet; "because if I should have been disabled or dead before the signing he might have supplied my place; and if noe other had been upon the place, the Treaty must have beene suspended until new orders from England, which had beene the losse of this great affaire."<sup>1</sup>

Despite these trivial hindrances the great affair prospered, and the pleasures of success overshadowed all jealousies. Formal recognition of the embassy was undertaken by the Secretary of State, Pierre Vieira da Silva, who visited Sandwich on January 13. He arranged an audience with the King, and advised Sandwich to visit the Queen, "and seeke her furtherance of the peace."<sup>2</sup> The following day Sandwich had an audience of the King and Dom Pedro. He describes the audience as carried out in a private manner:

"That is to say with only two coaches and two litters to carry my company, and noe noblemen to conduct mee; but att the Palace greate guards, and abundance of Company, and of the Grandees present. I contrived my address to be in writing, directed in the Style of the King Alfonso's name, and a short speech to Don Pedro who stood at the right hand of the Cloth of State, and received mee in the same manner as his Brother."<sup>3</sup>

The Ambassador delivered the formal papers as to his mission, and was entertained by the King at supper. Two days later Sandwich concluded the formalities of introduction by an interview with the Queen—"a very beautiful, proper lady."

These complimentary interviews preceded the open-

<sup>1</sup> *Sandwich MSS. Journal*, vi. 435.

<sup>2</sup> *Ibid.*, vi. 364.

<sup>3</sup> *Ibid.*, vi. 368.

ing of the Portuguese Cortes, at which the Ambassador was present. On January 17 he writes :

"This day at 3 in the afternoone I went to the Pallace to a box prepared for mee, where I saw the first Assembly of the Cortes, Don Pedro sittinge in the chaire of State (as Governor of the Kingdome under his Brother). The Abbott of Palmelo made the first Speech in praise of Don Pedro, and the happinesse of the Kingdome in that the King had chosen him to manage the Government. A second speech had a passage in it of hopes under Don Pedro's Government that they should have a peace. The Bishop of Targa, the only Bishop in Portugal, a man of neere ninety years of age, came forth of his place and went to a seate with a bench covered with cloth of gold, before it on the left hand below the Steppes of the Throne, and there he layd the Crosse and Gospell before him and read a paper publicly aloud, which was the words of the oath of recognition and fealty unto Don Pedro as Governor of the Kingdome, which all the estates of the Kingdome were to swear ; the Marquesse Nizza was the first man that swore, and after arose and went to the Throne, and putt his Head to Don Pedro's Knees, and then Kissed his hand and went away : in like manner did all the Nobles, and greate Officers of the Armye, and then all the procurators for the Cities, and the last Person of all the Nobles the Duke of Cadaval (who bare the Sword) with the Sword in his hand erected."<sup>1</sup>

The Cortes voiced the general disposition to peace, and the actual negotiations, once begun, were quickly ended. On January 25 Lord Sandwich took the work in hand, and, with the Marquess of Carpio, met the commissioners at the Convent of St. Eloi.<sup>2</sup> The powers and credentials were approved, and the

<sup>1</sup> *Sandwich MSS. Journal*, vi. 390.

<sup>2</sup> The Hospital or Convent of St. Eloi was in the Largo dos Loyos, near the castle. The Portuguese were represented by the Duke of Cadaval, the Marquess of Nizza, the Marquess of Govea, the Marquess of Marialva, the Conde de Miranda, and the Secretary, Pierre Vieira da Silva (*Journal*, vi. 428).

articles of peace brought forward, in form substantially the same as those offered by Fanshaw and Southwell two years earlier. There was, however, one all-important difference, for Sandwich brought the title of King. The first meeting was adjourned for consideration of the whole matter, and a few days' delay occurred, at which Sandwich protested. His protest resulted in consecutive conferences, held on January 29 and the three following days, and on February 1 the treaty was concluded and the articles were engrossed.

The difficulties in the way of peace were slight, and related to two clauses, the restitution of towns and the restitution of estates. Spain had captured six towns and Portugal had taken seven.<sup>1</sup> Pending compensation, it was arranged that they should be restored to their former owners, with a single exception on either side. Each power retained one of the captured towns until the amount of compensation was arranged.<sup>2</sup> Some difficulty was caused by the question of Ceuta, the key to the Straits, a town claimed by both combatants, but eventually left to Spain owing to the arbitration and persuasion of Sandwich.<sup>3</sup>

In the matter of the estates, the experience of the English Ambassador proved of value, for the situation resembled that in England after the Civil War. Many confiscated demesnes had changed hands. Several Portuguese nobles held land in Spain, and Spanish grandees held land in Portugal. Ties of property which cut across ties of race were not infrequent. Eventually an agreement was made, by which the confiscated estates were restored, and any consequent suits

<sup>1</sup> *Sandwich MSS. Journal*, vii. 35.

<sup>2</sup> *Ibid.*, vii. 36.

<sup>3</sup> *Ibid.*, vii. 38, 40, 54. He may have preferred its being left to Spain, for in case of war with them he wished us to occupy the place, add it to Tangier, and give the law to the Straits (*Brit. Mus. : Sloane MSS.*, 3509, f. 26).

at law were to be terminated as speedily as possible, while the ordinary law secured the estates against private damage. At the same time the Portuguese wished to except six nobles from the general pardon, but Sandwich, who had experienced forgiveness, would have no such blot upon a glorious peace.<sup>1</sup>

The chief stumbling-blocks were thus removed. One minor matter, but a typical one, called for a display of tact. There was a dispute over the formal signatures. The Duke of Cadaval was the only man of his rank in Portugal, and wished therefore to sign simply "O Duque," without adding his proper name. To this the Spaniards took exception. The quarrel for a time was like to break the treaty, but Sandwich "put an end to the dispute by persuadinge them to sign their names." His tact was timely, says the chronicler, and adds: "Here are great expressions of Joy: all crying out, God blesse the King of Greate Britaine, and his Ambassador, the Authores of our happinesse."<sup>2</sup>

Thus the work was concluded, and the Treaty of Lisbon was signed on February 3. The form of peace ran simply. The contents were drawn up in thirteen articles, and the ratification was completed with all possible speed. The old relations were resumed. Hostilities ceased, and prisoners of war were liberated. Portugal was once more recognized as an independent State. She was included in the commercial treaty of 1667, and entered all the alliances and leagues of the other signatories. The two Kings gave their subjects free trade to their seas and rivers, and promised a combined effort to exterminate pirates.<sup>3</sup>

<sup>1</sup> *Sandwich MSS. Journal*, v. 430.

<sup>2</sup> *S. P., For.: Portugal*, 9, f. 24.

<sup>3</sup> The peace is printed in Dumont, *Corps Diplomatique*, vol. vii.

A duplicate of the treaty is in the Public Record Office, and is a document well worth handling.<sup>1</sup> It is bound in crimson velvet, and the arms of Portugal are embossed in silver upon the cover. From a tassel of green and silver depends the royal seal. The treaty is drafted on parchment, and illuminated in gold. The signatures and seals of arms are nearly perfect, though close on 250 years old. The ratifications were speedily accomplished, and were exchanged on February 23.<sup>2</sup> Six days later Sandwich writes :

"This night was luminarios and fireworks, and dancing all over Lisbon and the country adjacent for the Proclamation of the Peace, which was done with all possible Ceremony of Alcades, Alguazils, Heralds in their Coates, Drums, Trumpetts, and Dances throughout this City. At four of the clocke in the Afternoon, the ordinance at the Castle of George were all fired, and the Shippes in the river and Castles and Forts fired their Gunns."<sup>3</sup>

A war which had lasted twenty-six years was at an end : the combatants were tired of the contest, and throughout both Spain and Portugal the people gave themselves over to thanksgiving and rejoicings.

The signature of the treaty had a different effect upon the French faction. St. Romain sent a formal protest to Dom Pedro, and thereby roused the anger of the people.<sup>4</sup> He was warned by the *Juiz do Povo* that they were getting beyond restraint, and he was then fain to acquiesce. But he again protested that, as England and France were so near a league, it was hard that Sandwich should come to Lisbon and tamper with France's allies. Schomberg regarded the peace, from the military point of view, "as the worst thing

<sup>1</sup> *S. P., For. : Treaty Papers, Portugal*, 38.

<sup>2</sup> *Sandwich MSS. Journal*, vii. 130.

<sup>3</sup> *Ibid.*, vii. 144.

<sup>4</sup> *Ibid.*, vi. 416 ; Schäfer, *Geschichte von Portugal*, iv. 673.

that could have befallen France ;" for it enabled the Spaniard to concentrate on Flanders, and encouraged combination against the aggressions of Louis XIV.<sup>1</sup> It was a revenge for the French neglect of Portugal in 1659.<sup>2</sup> It was a reversal of policy as sudden as it was complete. Some of the Portuguese nobles condemned the betrayal, and one of them declared that the Secretary of State "deserved to be burnt alive for makinge this peace against the Interest of Portugal soe infamously and undecently towards the Kinge of France without soe much as sending a message to him."<sup>3</sup> Certain wayside critics regarded the cession of Ceuta as an indignity, and others looked on Spain's position as so despicable that any future pretensions to Portugal should have been categorically renounced.<sup>4</sup> The Queen was in a difficult position : her sympathies with France were strong ; her policy forced her to deny them. She became an apologist for the peace, and wrote to Louis XIV. in explanation of her attitude.<sup>5</sup> Nevertheless she received congratulations from Sandwich at the gate of her convent.<sup>6</sup> In order to keep her crown, she was compelled to cry with the crowd.

The disappointment of the French faction was matched by that of Southwell. He resented his omission from the Councils, and entered a vigorous protest.<sup>7</sup> He maintained that he had been commissioned by Charles "to fiance any adjustment which should be concluded." Yet there was some doubt in his own mind as to his position, and he had written home hastily, begging that fuller powers should be

<sup>1</sup> *Sandwich MSS. Journal*, vii. 102.

<sup>2</sup> *Recueil des Instructions : Portugal*, p. xxxix.

<sup>3</sup> *Sandwich MSS. Journal*, vii. 73.

<sup>4</sup> *Ibid.*, vii. 90.

<sup>5</sup> *Recueil des Instructions : Portugal*, p. 92.

<sup>6</sup> *Sandwich MSS. Journal*, vii. 84.

<sup>7</sup> *Ibid.*, vi. 442.



contrived for him<sup>1</sup> He saw that ambassadorial etiquette was to be strictly preserved. Sandwich may have stretched punctilio too far, but he repeated again and again that Southwell's character as Envoy did not warrant a conjunction with an Extraordinary Ambassador. Nor, said he, was Southwell "furnished with any notices of the mind of Spain . . . necessary to enable him to concur in the treaty"<sup>2</sup>

The summons from the Secretary of State had been made direct to Sandwich, and had not included Southwell, nor had any message been sent to him inviting his co-operation.<sup>3</sup> His attendance would have been at the Ambassador's request, and Sandwich thought that an endeavour to introduce any other person would have been indiscreet, and perhaps unsuccessful. He told Southwell that "a refusal would have been a greater discredit than any want of respect which you now imagine"<sup>4</sup> Though Southwell appealed through Carpio and Guzman, another Spanish prisoner, and dragged up a precedent from the Treaty of Munster, Sandwich refused to give way, "much ashamed to see their Excellencies troubled with our Domesticall affairs"<sup>5</sup>

The upshot of it all was that Southwell decided to go home, and on February 9 he left Lisbon in the same frigate which carried the treaty. On his arrival he endeavoured to take all the credit to himself, but lost in the endeavour. His actions were petty. He asked his secretary to write a history of the whole affair, in which the name of Sandwich is not even mentioned.<sup>6</sup> He was full of complaints, to which

<sup>1</sup> *Brit. Mus. Add. MSS.*, 35,099, ff. 54, 61, 63, 65.

<sup>2</sup> *Sandwich MSS. Journal*, vi. 436.

<sup>3</sup> *Ibid.*, vi. 422, 445.

<sup>4</sup> *Ibid.*, vi. 445.

<sup>5</sup> *Ibid.*, vii. 19.

<sup>6</sup> *Brit. Mus. Add. MSS.*, 35,099, f. 127.

Arlington not only refused to listen, but about which he advised a discreet silence.<sup>1</sup> He tried to make mischief, and engaged Godolphin in argument, but in the whole matter "held the wrong end of the staff." Lord Arlington, indeed, denied that the King would allow Southwell to sign jointly, and a gentle rebuke was sent to him for such a pretension.<sup>2</sup>

By his persistent advertisement Southwell obtained a full share of the credit, and certain printed sources have done him more than justice. Undoubtedly the popular predisposition to peace was influenced by his persuasion. He had helped forward the peace in two ways: he had familiarized the people with the idea of English intervention, and accustomed them to look upon the Spanish prisoners as possible representatives. The formal negotiations were entrusted to the Marquess of Carpio and his fellow-prisoners. This was to Southwell's advantage, for he had lost no chance of cultivating their friendship. He had supplicated continually for their release, and obtained a lenience of their confinement. It was he who "got them out of prison to see the shows of the King's marriage."<sup>3</sup>

On the other hand, he relied overmuch upon transient public opinion, and upon the strength of the people, whose power he decidedly overrated.<sup>4</sup> They engineered the revolution, but not the peace. That needed the support of several nobles. Spain made no move until they were informed that "the Council of war in Portugall, and the Tribune of the People, and Don Pedro, the King's Brother, and many of the nobles were disposed to accept a peace with the title

<sup>1</sup> *Carte MSS.*, 36, f. 183.

<sup>2</sup> *Sandwich MSS. Letters*, ii. 39.

<sup>3</sup> *S. P., For.: Portugal*, 7, f. 154.

<sup>4</sup> *Carte, Revolutions*, etc., pp. 206, 207.

of King."<sup>1</sup> The Court veered round, and the people at once became followers rather than leaders.

Southwell himself was satisfied as to the importance of his work. In July he wrote: "I made myself so intimate with the factions, and soe disposed matters, as notwithstanding the aversion and dilligence of the Court to the Contrary, yett I little doubted the successe of soe welcome a thing, and what the people doe so generally breathe after."<sup>2</sup> He was not always sanguine that peace would come,<sup>3</sup> but when the people called for it he was all anxiety that the favourable moment should be seized.<sup>4</sup> His direct application to the Mayor of Lisbon did not escape criticism, and Schomberg called it a thing unfitting and irregular.<sup>5</sup> Southwell, said he, was credited as "overbusye in dealing with the *Juiz do Povo*, unbefittinge his place, to stirr up mutinye in the people, for which he received a checke from the Secretary of State, by order of the Court."<sup>6</sup> And the integrity of the *Juiz do Povo* was a matter of question. His ardour might have been tempered by a bribe, and in a contest of purses the money was heavier for a French alliance.

It is not easy to apportion the credit for the work, nor would the task be necessary, only the credit has never been fairly divided. Southwell deserves his share, and that a considerable one, though he did his best to destroy any favourable impression by his action towards Sandwich. It was neither wise nor necessary to hasten to England in an attempt to obtain all the credit, and to belittle the Ambassador's work. Sandwich was, after all, the signatory of the peace,

<sup>1</sup> *Sandwich MSS. Journal*, v. 152.

<sup>2</sup> *S. P., For. : Portugal*, 8, f. 179.

<sup>3</sup> *Brit. Mus. Add. MSS.*, 35,099, f. 45.

<sup>4</sup> Carte, *Revolutions*, p. 338.

*Sandwich MSS. Journal*, vi. 400.

<sup>6</sup> *Ibid.*, vii. 92.

and insisted on some meed of praise. He came in at an opportune moment. He disposed Spain to grant all which Portugal demanded, and did not set out for the frontier until certain of success. He recognized that work which was of such great importance in the Peninsula could never have been concluded by one of lesser rank. He used dignity and display to further his objects. He gave reality to the negotiations, and completed them with dispatch. He composed the differences over the signatures. His contemporaries commend his prudent management of the business,<sup>1</sup> and in Portuguese history his name is connected with the struggle for independence, while other actors are forgotten.<sup>2</sup> The news of his success was well received in London, and particularly in the House of Commons. "In the with-drawing roome, throughout the whole Court," wrote Godolphin, "I never in my life saw so great contentment; everybody addressing themselves to give the Queen the *Enora buena*, and Her Majesty the most pleased in the world (as you may imagine shee had reason) giving your Excellency the praise."<sup>3</sup>

<sup>1</sup> *An Account of the Court of Portugal*, p. 166.

<sup>2</sup> Antonio Caetano de Sousa, *Historia Genealogica da Casa Real Portuguesa*, vii. 465.

<sup>3</sup> *Sandwich MSS. Letters*, ii. 37.

## CHAPTER XII

### THE MISSION TO TANGIER<sup>1</sup>

“Now with a general peace the world was blest.”

DRYDEN: *Astræa Redux*.

“Summa salus populis. Comes o celeberrime cunctis,  
Angligenumque decus, pacifer Orbis eris !  
Neptunus Thetis Duce te iam subdidit Anglis :  
Dum pacem his præfers, te venerantur, amant.  
Victor et Hector eras, paci vis ponere morem ;  
Instar Mercurij Regibus Hesperij !  
Cælum et terra favent tibi cum bona tulisti,  
Hesperia, et patriæ, pauperibusque faves.”

*An Acrostic on “Sandwich,” printed in  
Lisbon, 1668.*

THE end of more than twenty-five years' warfare between Spain and Portugal was brought about by the Peace of Lisbon, and thus Sandwich completed the second part of his mission ; it was a work which his friends hoped would bring him honour, and which undoubtedly raised him in the esteem of his contemporaries.

For some weeks he remained in Portugal, and received the congratulations of the grandees and of the people. “This morning,” runs his journal, “the *Juez de Povo* (with his red barr in his hand) and his *escrivano* came to mee in the name of the People of Lisbon, giving mee extraordinary thanks for my labours in

<sup>1</sup> Authorities : *Sandwich MSS. Journal and Letters from Foreign Ministers*. To the authorities quoted in Chapter V. must be added Colonel John Davis, *Historical Records of the Queen's Royal Regiment*, and Miss E. M. G. Routh's various studies on Tangier, to which the writer has had access.

this Adjustment wherewith they were exceedingly rejoiced and contented."<sup>1</sup> He had an audience of Dom Pedro, and made him a speech of congratulation,<sup>2</sup> and shortly afterwards the Prince sent him a handsome present.<sup>3</sup> To the Convent of St. Eloi, where the peace was signed, Sandwich presented his portrait. He sat to one, Feliciano, and there is a duplicate of the painting at Hinchinbrooke. He thus describes it: "A picture to the knees in a vest (the then habit of England), and the hatt in the right hand hanging straight downe. It was an extraordinary like picture."<sup>4</sup>

Before Sandwich left Lisbon, he visited a nun with whom he corresponded at great length, and whom he had met upon a previous visit.<sup>5</sup> The lady was Donna Maria, known as Soror Maria de la Cruz, daughter of the Duke of Medina Sidonia. It was she who told him that his cousin, Edward Mountagu, was a Roman Catholic from the time he was eighteen years of age, and had leave from the Pope to conceal his religion. Sandwich also visited Schomberg, and the great General gossiped of his wish to buy Dudley Castle, "which belonged to his mother's family anciently," and told Sandwich that he estimated Wrangel a better general than either Turenne or Condé.<sup>6</sup> He also related how near he had been to taking a part in the Restoration. Schomberg's story was that he bribed some of the officers to let him surprise Dunkirk with French forces, and take it from the Cromwellians as a stronghold for Charles; but the King, who was then at Breda, wisely dissuaded him, for such an action would have made the royalist cause unpopular; it

<sup>1</sup> *Sandwich MSS. Journal*, vii. 70.

<sup>2</sup> *Ibid.*, vii. 82.

<sup>3</sup> *Ibid.*, vii. 152. It amounted to £4,000.

<sup>4</sup> *Ibid.*, vii. 136.

<sup>5</sup> *Sandwich MSS. : Letters from Foreign Ministers.* The last batch of letters is from Donna Maria.

<sup>6</sup> *Sandwich MSS. Journal*, vii. 100, 134.



was a course with which Sandwich had no sympathy, for he was one who had urged a restoration by the people of England.<sup>1</sup>

Besides almost daily intercourse with men of note, Sandwich had other distractions. He witnessed an *auto-da-fé*, and saw two men and a woman burned in the public square.<sup>2</sup> But he made no comment upon the scene; he rarely spoke of his impressions, and simply jotted down a bare record of his life from day to day. He was preparing for his departure, and sent off several presents to his family. One was "a chest with two pots of silk flowers, very curious"; another, a chest of Pujera earthenware and sweetmeats. He sent books to some friends, wine to others. On March 5 he began the return journey; he was accompanied by the Consul and all the English merchants to the banks of the Tagus, and there he said farewell to them and to Lisbon.

The journey was a veritable triumph, and Sandwich thus describes the scene at Montemore :

"The people received mee with demonstrations of joy: the governor mett mee with a Troope of horse two miles before I came to the town, at the townes end the Hoboyes and Sackbuts of the Towne played to us, and the Castle shott off the greate gunns."<sup>3</sup>

Another city gave the Ambassador a handsome present of six sheep, a hundred hens, fish, sweetmeats, and half a pipe of wine.

"The ordinance of the towne," says he, "fired at my reception and parting, and all the towne entertained mee with excessive demonstrations of joy, by Dancing in mascarade all along the towne as I went to my lodginge, every house hanging out carpetts and

<sup>1</sup> *Sandwich MSS. Journal*, vii. 138. See Guizot's *Richard Cromwell*, and p. 206 *post*.

<sup>2</sup> *Ibid.*, vii. 144.

<sup>3</sup> *Ibid.*, vii. 158.



EDWARD, EARL OF SANDWICH

*From a portrait by Feliciano*

To face p. 142 of Vol. II



Tapestry, strikinge of the Bells, Riding up and Downe the towne in mascarade, and in my yard doing feates on horsebacke like the Moores; dancing in my house (the better sort of them) after supper, and all night longe dancing about the Streetes and making acclamations of joy and good wishes."<sup>1</sup>

Similar scenes were enacted all along the route through Portugal; merry-makers danced on each side of the coach, soldiers offered their escort, and the various castles fired off their cannon. In Spain the people were equally demonstrative, and the Ambassador had a rare welcome; again the women and children pirouetted before him, and saluted him with *vivas*. On Easter Sunday, March 22, Sandwich reached Madrid, and his journey was at an end.

He had every reason to be satisfied, for he found that his reputation was decidedly enhanced. The Spaniards were overjoyed at the peace: the war being ended, said the news letters, we hope to deal well enough with the French. Sandwich was spoken of in the warmest terms. His old antagonist, Muledi, wrote to Ormond:

"All affairs concerning this and that Monarchy were most happily advanced by the Earle of Sandwich's great wisdom and experience, whose esteeme, and the opinion of these ministers on him is beyond expression, and now haveing gott the plause of haveing concluded the Portuguese Peace, he is takeing his leave of this Court."<sup>2</sup>

Still better evidence of the esteem in which he was held was the fact that Spain welcomed his assistance in the delicate negotiations which were then engaging the diplomatists. He was authorized by the home government to offer the King's mediation upon the points of difference between Spain and France, or to

<sup>1</sup> *Sandwich MSS. Journal*, vii. 166.

<sup>2</sup> *Carte MSS.*, 43, f. 661: May 12, 1668.

assist during their solution.<sup>1</sup> After his success in Lisbon, he was eminently fitted to do so, for his work had an international bearing. The peace he had made was more than a peninsular affair: it was of interest to every capital in Europe. The continent was like a lake, in which every pebble of diplomacy made a splash, and every ring of ripples met its fellow; the surface was ruffled, but a calm looked near at hand.

By the time Sandwich returned to Madrid, prospects of a settlement had advanced. The truce, begun in the autumn of 1667, appeared likely to lead to a peace, but Spain dallied with France until she saw whether the Treaty of Lisbon meant for her the help of Schomberg and his soldiers. Meanwhile the truce expired, and Louis XIV. resumed his aggressions. He bribed the Emperor by a promised partition of the Spanish dominions. He refused a further suspension of arms, and before the winter came to an end the French troops overran Franche Comté. In a single fortnight the rich province was securely occupied; once again Louis stayed his hand, and a second cessation of arms was arranged.

During this interval the diplomatists were sedulous on Spain's behalf. England, Holland, and Sweden, threatened France by their Triple Alliance; Sandwich made the Treaty of Lisbon. The only obstacle to a general peace lay in Spain's attitude of sloth, and the Ambassador was instructed to wring from the Court some decision as to terms. For weeks his correspondence turned upon this subject, for Spain was obdurate. Nothing could stir her; it seemed impossible for her to realize a crisis; she was the despair of the peacemakers. Her policy was governed by the

<sup>1</sup> *Carte MSS.*, 75, f. 559: Arlington to Sandwich. See also Temple to the same (75, f. 585).

hope that impatience would cause Louis to put himself in the wrong, and that the mediators would intervene. Temple from Brussels and Trevor from Paris begged Sandwich to quicken Spain's councils.<sup>1</sup> She had the choice of certain alternatives, and had chosen to give up the places conquered in the last campaign; but her plenipotentiary in Flanders, Castel Rodrigo, sent in an acceptance which appeared neither valid nor regular. The business urged upon Sandwich was to obtain "a full and clear concession," together with "full powers beyond all exceptions."<sup>2</sup> An urgent letter was sent for him to deliver to the Queen. The mediators wished all to be in due form, lest the truce should end before the work was concluded.

The attitude of France was impatient, and gave the mediators some anxiety, for her demands were elastic. As Temple said, the case was like that of the Sibyl's books, "which are necessary to be had, but every time they are refused growe less, and yett must bee sold at a higher price."<sup>3</sup> As a mediator England was deeply engaged, and delay could do little but involve the powers in a universal war. Charles again wrote to the Queen, "conjuring her not to dishonour him by refusing to avow and ratify what the Marquis Castel Roderigo having declared, his Majesty is fiador of." Peace was only guaranteed until the end of May, though the plenipotentiaries had obtained a private article from Louis which admitted extension for a further week.<sup>4</sup> This was kept secret, lest Spain should be encouraged in her dalliance.

In order to bring about a settlement, no stone was left unturned. Before all the letters of complaint

<sup>1</sup> *Sandwich MSS. : Letters from Foreign Ministers*, ff. 4, 6, 8.

<sup>2</sup> *Ibid.*, f. 18.

<sup>3</sup> *Ibid.*, f. 6.

<sup>4</sup> *Sandwich MSS. Letters*, ii. 63, 65.



could reach Madrid, new and full powers were sent to the envoys, and the Queen approved of the alternative selected—that is, the cession of the conquered towns. On March 25 Sandwich wrote to Trevor that he judged the powers sent were “reasonable and sufficient to conclude the businesse, and soe needed not to make any instance to the Queen in this matter.”<sup>1</sup> He maintained this attitude because he thought that Spain had given pledges enough. Once satisfied, he refused to go beyond the letter of his instructions. He declined to press upon the Queen further demands from Louis, and withdrew his name from a memorial which urged an additional concession, and which was sent to her by the Dutch Ambassador.<sup>2</sup> At the same time Lord Sandwich joined in pressing the legitimate demands upon the Council of Spain, “to see that the King my master in this affaire kept pace with the States of Holland.” By April 20 Spain had conceded all that was asked; a blank treaty was drawn up “in case any alterations should be agreed upon,” and the necessary papers were dispatched. By the same packet Sandwich felt justified in congratulating Trevor upon the turn of affairs, and Trevor, in acknowledgment, wrote to England an account of His Excellency’s services, which he said had materially helped the treaty.<sup>3</sup> Except for some slight delay over formalities the work was done, and before the end of April, France and Spain made their peace at Aachen.

For his share in this great work, Sandwich rightly expected further laurels, but it was brought home to him that no man may be a prophet in his own country. To his cares over private matters, the wish to see his family, and the need for funds, there was

<sup>1</sup> *Sandwich MSS. Journal*, vii. 200.

<sup>2</sup> *Ibid.*, vii. 238.

<sup>3</sup> *Ibid.*, vii. 300; *Letters from Foreign Ministers*, f. 20.

added the trying anxiety that the conduct of his late embassy was called in question. At that time European diplomatists were enamoured of the niceties of precedence, and aped Louis XIV. in their strife over etiquette. Charles was not to be left behind. Unfortunately, Sandwich had placed his signature to the Treaty of Lisbon below that of the Marquess of Carpio, and he had, for courtesy's sake, frequently given the position of honour in coach and litter to the Spaniard.

His kindly action created no small stir at Court, and, instead of receiving unstinted thanks for his treaties, he found himself on the defensive over a troublesome business. He was genuinely distressed at the ingratitude with which the Council had received his work, and had ignored its importance while they strained at a matter of punctilio. Sandwich had received a letter of thanks from the Duke of York, which assured him that the peace was a very considerable service to the King.<sup>1</sup> In the same packet there came a letter from Arlington, which contained scarcely a word of congratulation.<sup>2</sup> Instead of that, Arlington stated that the Council took great offence at the sight of the treaty, with Carpio's signature above that of Sandwich. They debated whether such a treaty could be ratified, and named a committee to investigate precedents. Finding none at Westminster, they then searched among the Rolls at Chancery Lane, and at length a draft of the treaty was made with the names transferred. Arlington frankly admitted that the flame was fanned by Ruvigny, who asserted that Sandwich always gave the right-hand place to the Marquess, "for which,"

<sup>1</sup> *Sandwich MSS. Journal*, viii. 274. The letter, which is pasted into the journal, bears a very beautiful seal and silk, absolutely fresh and unharmed.

<sup>2</sup> *Sandwich MSS. Journal*, viii. 282.

added Arlington, "you must not take it ill if I tell you, you will be chidden when you come home."

This was no idle threat, since Charles had taken his cue from the French Ambassador, and the Princess Henrietta had also incited him to anger against her old friend. On May 7 the King wrote to his sister :

"Ruvigny did tell me some days since of that matter concerning my Lord Sandwich, which I can say nothing to, till I hear from thence ; only, if he has done what you are informed of, I am sure he is inexcusable, and shall answer for it severely when he comes home, for I never did, nor never will permit my ambassador to give the place to any whatsoever."<sup>1</sup>

Little wonder that Sandwich was alarmed at his position. He felt that the alterations could have been made without unnecessary talk ; not, said he, so as to "expose my reputation unto the world as a man that had given up my Master's honor," with a warning that "it was resolved to chastise mee for it when I came home." He knew that Ruvigny had done him the mischief, and objected to the credit given to the Frenchman's word, when it was well known what a blow the Peace of Lisbon was to France. He looked upon the affair as a last endeavour to upset the treaty. Since St. Romain had suggested assassination as the only means to hinder the peace, and Sandwich had gone to Lisbon in peril of his life, he was of opinion that the English Government should have estimated the wiles of the Frenchman at their true value. He maintained, too, that on public occasions he always took precedence of the Marquess, and that at the *auto-da-fé* he sat in the place of honour, "on the upper hand," above Carpio, where all might see. He admitted that

<sup>1</sup> Julia Cartwright, *Madame*, p. 263. In *Cal. S. P., Dom.* (June 25), there is a long letter from Dr. Jenkins to Williamson, endorsed "Precedency," which evidently refers to Sandwich.

while the Marquess was a prisoner he took him in his litter, and showed him the ordinary courtesy due to a guest. It was justified, he said, since Carpio had at the time no character as Ambassador, and in an Ambassador's own house there could be no pretence of competition.<sup>1</sup>

Both right and reason were on the side of His Excellency, and they prevailed. The letter of explanation which Sandwich sent was shown to the King; and since his enemies were possessed of an opinion that he had really "given the place" to Carpio, the letter was read at a full Council board, the King and Duke present. It was then registered, and put in the Paper Office. That disposed of the Carpio affair. A few of the Council asked whether His Excellency had explained the place of his signature on the treaty itself; but Godolphin, who stood by Sandwich, expounded to them "the unreasonableness of this Exception."<sup>2</sup> It was discovered that the right form had been observed, and that, in signing a treaty of peace, the signature of the fiador, or trustee, should come last.<sup>3</sup> Though the matter was thus cleared up, it was a further vexation to Sandwich when he heard that Southwell's hand was in the business.<sup>4</sup>

His only compensation for this ingratitude was the esteem shown for him in Spain, and the pleasures he had there during the remainder of his stay. He spent some time on a visit to the Escorial, and went abroad into the mountains, where he shot "fallow and red deere (very large ones)." The King's keeper gave

<sup>1</sup> *Sandwich MSS. Journal*, viii. 294-300. See also draft of a letter to Godolphin: *Journal*, viii. 553. The original of this is in the *S. P., For.: Spain*, 53, f. 88. A letter of explanation from Sandwich to Arlington is in *S. P., For.: Spain*, 53, f. 117.

<sup>2</sup> *Sandwich MSS.: Letters from Ministers*, ii. 140.

<sup>3</sup> *Ibid.*, ii. 118: Memorandum by Godolphin.

<sup>4</sup> *Sandwich MSS.: Letters from Foreign Ministers*, f. 56.

him a book on hunting. Of the place itself he says : "Truly it did excell the expectation I had of it, both for magnificence, elegancy and cost. I certainly believe the whole world hath nothing that comes neere to equall it."<sup>1</sup>

When Sandwich returned from the Escorial, he prepared to leave Madrid. Since peace was general, there was no need for a league between England and Spain, and his mission was completed. On April 23 he took a formal farewell of the King and Queen, and made a long valedictory speech in Spanish.<sup>2</sup> A few days later there came to him a present of the two pictures now at Hinchbrook.

"The Queen of Spayn," he says, "by the hands of her chiefe Painter, sent me the King's and her owne picture as bigg as the life, and very like ; done by the said Painter, whose name is Don Sebastian Herera ; in requitall of this I sent the Painter a silver wrought bason with Portugall ware of earth in it, all to the value of about 30 pistoles."<sup>3</sup>

Other presents followed : for Lady Sandwich the Queen sent a magnificent jewel of Brazilian diamonds, valued at £2,480 ;<sup>4</sup> the Duchess of Aveiro, to whom Sandwich had paid much attention, sent "an enamelled chain of gold with christall flowers in a curious Philligrane box, and that againe placed in a Curious Dish of the same Philligrane silver" ; and the Marquess of Carpio sent "a present of perfumed skins and gloves very rich, served in a fine silver Basin of embossed work."<sup>5</sup>

Although Sandwich was pleased with his presents, he was dissatisfied with his monetary rewards. The

<sup>1</sup> *Sandwich MSS. Journal*, vii. 274-282.

<sup>2</sup> *Ibid.*, vii. 314.

<sup>3</sup> *Ibid.*, vii. 389.

<sup>4</sup> *Ibid.*, viii. 87. There is a beautiful pen-and-ink drawing of the jewel.

<sup>5</sup> *Ibid.*, viii. 178.

small sums which had been given to him on his journey to Lisbon seemed but a slender requital for his service. He knew that Fanshaw had been promised a considerable amount of money if he succeeded in making peace; so Sandwich ruminated, as he says, upon the matter, and at length decided to lodge a protest with Peñaranda.<sup>1</sup> He then discovered that the Spaniards had determined to assure him of 70,000 pieces of eight, and had intended to give Godolphin the sum of 30,000.<sup>2</sup> How much Sandwich actually obtained is not clear, but he was awarded a liberal sum, and, in addition to the pendant given to Lady Sandwich, the Earl was presented with a jewel of equal value.<sup>3</sup> He had need of funds, since for two years his supplies had been negligible, and the expenses of his household had been conducted on a scale which left him wellnigh penniless.

It was not, however, solely with his own affairs that Sandwich was occupied during the last weeks in Madrid. He endeavoured to make matters easier for our merchants; "to gett an ansvere from this Crowne touching the Swedish money;" and to arrange for the repurchase of some of Charles I.'s pictures, which had been bought by the Spanish Ambassador after the King's death. The last matter was almost hopeless, the others were easier, and in the matter of trade Sandwich again had some success. On July 7 he met the Council, and was informed that an order was granted him for the Philippines, "to treat our nation courteously."<sup>4</sup> Spain then lodged a counter-complaint against the Governor of Jamaica for piracy, "very grievous and barbarous such as is not heard of in

<sup>1</sup> *Sandwich MSS. Journal*, viii. 34.

<sup>2</sup> *Ibid.*, viii. 46—*i.e.*, about £15,000 and £6,000 respectively.

<sup>3</sup> *Ibid.*, viii. 81.

<sup>4</sup> *Ibid.*, viii. 160.



Christian nations.”<sup>1</sup> Sandwich promised to remedy this when he came to England, and was rewarded by a letter to the Governor of the Philippines which allowed more equitable treatment to our nation, and ensured the East India Company liberty to take in victuals and water.<sup>2</sup> But in the remoter seas the old rivalry was too fierce for any man to guarantee security of trade ; reprisals went on, though with a somewhat reduced vigour.<sup>3</sup>

One more piece of work was given to Sandwich before his actual return home. He was commanded to visit Tangier, there to inspect the garrison, and to make a full report upon the place.<sup>4</sup> The instructions of the Commissioners were enclosed, and His Excellency was bidden to supplement them as he thought fit, in order that the account might be as perfect as possible, both as regards the present and the future.<sup>5</sup>

Sandwich had always advocated a great effort being made for the improvement of Tangier—a place which would “keepe all Europe in awe.”<sup>6</sup> He was pleased with this new command, and gladly set out to fulfil it. On July 10 he gave over the charge of affairs to John Werden, and left Madrid, “having the esteem,” said the news letters, “of every worthy person.”<sup>7</sup> In two and a half years he had seen great changes. Of his comrades and servants nine had died, and were buried in the garden of the Siete Chimeneas ; his comrade, Mr. Clercke, his chaplain, and his interpreter, were

<sup>1</sup> *Sandwich MSS. Journal*, viii. 162.

<sup>2</sup> *Ibid.*, viii. 176 ; *Letters from Ministers*, ii. 147.

<sup>3</sup> *Acts of the Privy Council (Colonial)*, vol. i., § 970.

<sup>4</sup> *Sandwich MSS. Journal*, viii. 278.

<sup>5</sup> *Ibid.*, viii. 286. The instructions are signed by Rupert, Albemarle, Peterborow, J. Belasyse, and Jo. Berkeley.

<sup>6</sup> See his “Discourse of Barbary” (*Brit. Mus. : Sloane MSS.*, 3509, f. 26).

<sup>7</sup> *S. P., For. : Spain, News Letters*, 91, f. 108.

among them. As Sandwich details his loss, the journal seems more vivid, and mingled with the sorrow awakened by such reflections there is a tone of relief as he departs from Madrid. He travelled towards Cadiz, and again wrote accounts of his journey; he studied the Spaniards' method of harvesting, jotted down notes from wine-growers, took stock of the game, watched the making of bullets, surveyed lead-mines, and set Harbord to draw him a picture of a new machine for winding silk.

Thus he beguiled the hours of travel. On August 4 he approached Cadiz. Several leagues from the city he was met by the English residents, who conducted the ten coaches of his retinue to the gates. He was lodged in the Consul's house, and sumptuously entertained at the expense of the English merchants.<sup>1</sup> For some days he remained there in order to recruit his health. He had grown very stout, and the heat affected him to such an extent that, though only forty-three years of age, he already writes like an old man, and states that he was compelled to receive visitors in bed, "as indeed I had reason for my greate infirmities."<sup>2</sup> On August 11 he was sufficiently recovered to embark in the *Greenwich* frigate. Once again the guns of the castle fired their farewell salutes, and on August 14 Sandwich arrived at Tangier. He was received by the Lieutenant-Governor, Colonel Norwood, and expressed himself much gratified by his reception.

"Towards evening," he wrote, "we went ashore together, when he saluted me with all the gunns of the Towne, and all the soldiers and Townesmen drawne out, and fireworks at night; and lodged mee at his owne house, and provided all sort of good entertainment for mee."

<sup>1</sup> *Sandwich MSS. Journal*, viii. 342.

<sup>2</sup> *Ibid.*, viii. 368.

Then began a further spell of work and investigation. It is evident, from the range of the instructions issued to Sandwich, that the Committee for the affairs of Tangier had gained an increased impression of its importance, and determined to make the place a permanent outpost of our growing Empire. The queries covered both civil and military matters—in particular the defences of the town and harbour. The mole was to be measured, and an estimate made of its strength and cost; the walls and forts were to be surveyed. Military knowledge could be brought into play upon the numbers of guards which were needed, and upon the staff of officers required. The commission included a census of the military and civil inhabitants, and an inquiry into the state of trade. The possibilities of brewing, baking, and fishing, the building of mills, the licensing of tap-houses and victualling-houses, were brought under review. The erection of a hospital and the health of the inhabitants were both to be considered. Finally the inquiry was to deal with the relations of England and the Moorish Princes.<sup>1</sup>

During his brief stay Sandwich showed considerable activity, and filled his journal with lengthy notes and comments. He had soon acquired much information about the mole, the first great work of the kind undertaken by the English. In this he had always taken the keenest interest, and was responsible for the soundings which preceded the work. Progress had been very slow, not for lack of zeal, but because both project and contract had been contrived upon experimental lines. The model was framed and perfected "in fewer weeks than others have spent years,"<sup>2</sup> and

<sup>1</sup> *Sandwich MSS. Journal*, viii. 290.

<sup>2</sup> *Ibid.*, viii. 376: Cholmley to Sandwich.

the Committee for Tangier blissfully sat in judgment upon a contract which Pepys says "none of us that were there understood."<sup>1</sup> During six years the work had been superintended by Sir Hugh Cholmley, but shortness of money, attacks by the Moors, the want of skilled workmen, the displacements caused by terrible storms, and a change in the methods of construction, hardly made for speed.<sup>2</sup> Sandwich secured measurements of the mole, saw that a plan of its condition was drawn, and discussed all the difficulties with Major Taylor, who was then in charge.

The survey of the mole was succeeded by an inquiry into civic affairs, and Sandwich interviewed townsfolk and soldiers, Englishmen and Portuguese. He had to play the part of peacemaker, for matters were very bitter between the civil and military government. A small pamphlet had been circulated in England to show how much the soldiers and traders were at variance. "The unreasonableness of both, unwilling to comply with one another . . . discourageth all wealthy persons from inhabiting there, because they are not countenanced, nor have those liberties which it hath pleased his Majesty to grant them."<sup>3</sup> Complaints of their quarrels were so frequent that, in an endeavour to compose matters, the home government had based the internal affairs of Tangier upon a new charter, which had been sent out a few weeks before Sandwich arrived. He found that the place seethed with differences: the soldiers declared that the charter had been procured by a faction, and Sandwich saw

<sup>1</sup> Pepys's *Diary*, February 6, 1663.

<sup>2</sup> *Sandwich MSS. Journal*, viii. 376: Cholmley to Sandwich. The letter gives a very good picture of the difficulties of the work and the progress made. See also *A Short Account of the Progress of the Mole*, etc., by Sir H. Cholmley.

<sup>3</sup> *The Present Interest of Tangier* (London, 1664).

that they and some of the merchants were doing their best to prevent its proclamation.<sup>1</sup>

There was need of some arrangement, for since the acquisition of Tangier the factions had been at variance. The soldiers held the reins, and the whole city was at their mercy. Until a civil court was established, all jurisdiction was in their hands, and the town was governed under permanent martial law. They were free from prosecution, and took full advantage of their immunity. Their debts were unpaid, and the civilian could obtain no redress. They trenched upon his rights in all directions. The liquor trade was controlled by the garrison, and they appointed their own sutlers without obtaining a licence from the townsfolk. The watercourses were carefully guarded, and in times of drought the civilians were debarred from fetching water. The soul of the citizen was no freer than his body. Though clergy were paid by the King, the garrison monopolized their offices, the townsmen were crowded out of the church, and the Corporation were fain to "sit among the vulgar." The trainband was denied the right of keeping watch and ward, and its officers complained that they had not full freedom upon the day of election.

Such were some of the complaints which greeted Sandwich. They were poured out by the Mayor, John Bland, a prosperous merchant. Long before this he had told Pepys that the place was never likely to come to anything while the soldiers governed all.<sup>2</sup> He was full of indignation at his treatment by the Lieutenant-Governor, Colonel Henry Norwood. The civilians were divided; some supported Bland, others were for the old rule of the garrison and

<sup>1</sup> *Sandwich MSS. Journal*, viii. 395.

<sup>2</sup> *Pepys's Diary*, April 24, 1666.

Colonel Norwood. They looked to profits and perquisites rather than to forms of government. If the garrison provided profitable custom, why trouble over a few trivialities of oppression? And this faction objected to civil government on the ground of additional expense; baubles were needed—a town-hall, an officer for the records, a mace and a sword. They grudged the salaries of officials and the cost of municipal feasts; they were incapable, they said, of supporting any change.<sup>1</sup>

But the paramount cause of their opposition seemed to be a hatred of Bland.

“He is a merchant that has built more than any of them and lives in better port,” said Sandwich. “I found them all as one man pursuing him in their owne Court for the fayler of payment in England of a bill of Exchange whereunto his hand was. . . . The day before the Governor's power to swear the Corporation expired, he called the old Court together, and tried the Cause, and adjudged it against Mr. Bland.”

The trial, of which Sandwich obtained an account, was stifled by prejudice and conducted with unseemly haste, but when the opponents of Bland found that Sandwich saw through them, and showed “a resentment of their severity and passion, and was like to represent these animosities to be the cause of laying aside the King's Charter; their stomachs came downe, and notwithstanding the Petition here entered they tooke up their severall places in the Corporation and were sworn.”<sup>2</sup>

By the new charter, which was designed to heal these differences, Tangier was made a free city, and the inhabitants thereof “a body politique and

<sup>1</sup> *Sandwich MSS., Appendix*, f. 44, and the *Journal*.

<sup>2</sup> *Sandwich MSS. Journal*, viii. 397-399, 457.



corporate.”<sup>1</sup> The presence of the Ambassador lent weight to the incorporation, and Sandwich delighted the eyes of the townsfolk by his Garter robes and the dignity of his presence. The ceremony took place on August 21; the charter was publicly read, and the Mayor and Aldermen were sworn.<sup>2</sup> A commission under the Great Seal established a new Court merchant. On the same day Sandwich held a review of all men in Tangier “fitt for service of any kind.”<sup>3</sup> Three days later a great feast was given by the Mayor, at which His Excellency was present, together with the Governor and officers of the garrison, the Aldermen and the Common Council.<sup>4</sup> “The gunns of the Towne and Castle were shott off for the solemnity,” and a brief reign of peace between townsfolk and soldiers was inaugurated. But it promised little permanence, since the Mayor-elect was the unpopular John Bland, and four out of the six Aldermen had signed a petition to Sandwich praying for the postponement of the charter.

A few days after the great ceremony, Sandwich examined the accounts of the town, and overhauled the register of the imports and exports, which he found was “kept in no good forme.” The value of goods was not entered, nor were the sums paid in duties properly specified, and the registrar was thus enabled to falsify his entries. In another register the same officer entered all the customs for goods brought to Tangier by English ships from the plantations. Sandwich thought that all such duties should be

<sup>1</sup> A copy of the charter is in the Public Record Office, under the Privy Seal of April, 1668.

<sup>2</sup> *Sandwich MSS. Journal*, viii. 408.

<sup>3</sup> The total was 1,756, mostly soldiers. The workers on the mole numbered 159, the city trainband 110, and “strangers” 63.

<sup>4</sup> *Sandwich MSS. Journal*, viii. 412.

collected by the farmers of the customs; and if that were not possible, he considered that the King should appoint a more responsible person to the post of registrar. He also thought that the liberty allowed to the man was most prejudicial to the King's affairs, and suggested that all consuls at foreign ports should send a half-yearly list to the English Custom-house, with a certificate of all ships which laded or unloaded at the various ports, together with an account of their cargo.<sup>1</sup> He saw that the corruption was widespread. "The book that is kept of the King's revenue," he wrote, "I find it kept only in general termes." As to land valuation, the houses were mentioned, but not the quantity of ground upon which they stood, nor was "unbuilt ground" noticed in the survey. He advised "that each house, and also the ruins and ground unbuilt, be exactly surveyed, and that it be entered in the booke, how many foote of ground each house, garden or ruins contains."<sup>2</sup>

For more than a fortnight Sandwich remained in Tangier to collect his material. Both factions tried to gain his ear: one day he was compelled to listen to Bland's grievances; another day the soldiers brought him a relation of the good proceedings of Colonel Norwood, which he endorsed "with Colonel Norwood's privity without question." He went calmly on with his inquiry, held the scales evenly, and left Tangier with the good wishes of both factions, and to both he left their particular hopes and fears.

On August 29 he boarded the *Greenwich*, and set sail for England. After a journey of three weeks the frigate came to an anchor in Mount's Bay. Fog and a contrary wind delayed the vessel while off the Cornish

<sup>1</sup> *Sandwich MSS. Journal*, viii. 454.

<sup>2</sup> *Ibid.*, viii. 458.

coast, but Seymour and Sydney Mountagu went ashore to herald the arrival.

Sydney Mountagu's first business in London was to see Samuel Pepys and obtain supplies. "Sidney is mightily grown," says Pepys, "and I am glad I am here to see him at his first coming, though it cost me dear, for here I come to be necessitated to supply them with £500 for my Lord. . . . However," he adds, "I think it becomes my duty to my Lord to do something extraordinary in this, and the rather because I have been remiss in writing to him during this voyage, more than ever I did in my life, and more indeed than was fit for me."<sup>1</sup> He deplored, too, that Sydney did not at once visit Arlington, who commented upon his want of courtesy: "this remissness in affairs do continue in my Lord's managements still, which I am sorry for." Sydney was forgiven at Whitehall; for when he went to kiss the Queen's hand, Catherine was kind to him, her ladies "looked mightily on him," and the King came in, and asked for news of Lord Sandwich and his doings.

While Pepys and Sydney Mountagu were looking after his concerns, Sandwich remained in Cornwall, and enjoyed a scene of English country life such as he had not witnessed for nearly three years. He saw a hurling match between the men of Penzance and Helston.

"There was 100 chosen men of each towne," he writes, "clad all in white (stripped), who mett in the halfe way betweene both townes, when a silver ball, gilt, of about three inch diameter (filled within with Corke) was throwne up amongst them. Whereupon they presently mett together to catch the ball, and

Pepys's *Diary*, September 28. The statement of accounts for the £500 is in *Rawlinson MSS.*, A. 174, f. 437.

runn away with it to one of the two townes, and the towne that it is brought into gaines the victorie. The hurlers make any play; cuffinge one the other on the face, or kicking or wrastling, although they be five or six at once upon one man; or throwinge men downe the cliffs, or downe Tynn pitts; not valuinge any mischiefe that ensues, soe they obtaine the victory; and in their greatest disorder noe gentleman of the country dares come in to rule or part them, for then both sydes will joyne together, and beate them, without respect to any quality. The hurlers, when they have brought the ball home, present it to some Church, or rather to some greate gentleman, that gives them drinckes or money for it. There is greate concourse of people and gentry. About 2000 were present at this."<sup>1</sup>

A few days later Sandwich left Mount's Bay, and on September 28, "a day of delicate sunshine, and fine gentle breezes," he landed at Spithead. He was welcomed by Colonel Norton, a son-in-law of his old colleague, Sir John Lawson, who invited him to his house at Southwick. He remained there for two or three days, enjoying the gardens and the familiar life and surroundings. There he was joined by young Lord Hinchinbrooke, Sydney Mountagu, John Seymour, and Samuel Pepys.<sup>2</sup> They came with two coaches and six horses, and escorted Sandwich to London. The King was then staying in the eastern counties, and on October 11 Sandwich went down to Audley End, and was there received by His Majesty, the Queen, and the Duke of York, who each showed him every possible mark of favour. Sandwich was

<sup>1</sup> *Sandwich MSS. Journal*, viii. 540.

<sup>2</sup> *Ibid.*, viii. 546. This note of Sandwich's gives the clue to Pepys's movements during the fortnight's gap in the diary. Lord Braybrooke assumed that Pepys was in the eastern counties, but it is probable that when Pepys returned to London, with Sandwich, the pressure of business prevented his writing up the journal for some days. He resumed it upon the day on which my Lord left London for Audley End.

delighted, for he had some misgivings about his reception; he feared lest the trouble over Carpio should be revived and brought up against him, but Charles had accepted his explanation, and the courtiers were satisfied. Even Buckingham had upbraided the noise raised against Sandwich, "sayinge that all the clamour was come to this; that the King had sent a gentleman his Ambassador, and he had beene civill, and if the King had sent a clown probably some rudenesse or other would have beene done."<sup>1</sup> So at least one storm had blown over, and Sandwich became more easy in his mind. He remained two days at Audley End, and then made for home. On October 13 he wrote in his journal:

"I went to my owne house, to Hinchingbrooke, accompanied by Sir William Godolphin, Sir Charles Harbord, and my son Sydney. Wee found all my family in good health. Blessed be Almighty God for his extraordinary mercye and period of soe important an embassye, and so greate labours and hazards."<sup>2</sup>

But his troubles were not yet at an end. Once more his easy good-nature over money matters involved him in disputes, and the consideration of his accounts gave him the impression that all men were against him. He had conducted his embassy in the most lavish way in order not to be outdone by the French Ambassador, who was well supplied with funds. His father-in-law and Lady Sandwich were both anxious over his expenses. "I hope," said his lady, "that it will not be thought you have spent more then what hath bene for the honour of the King and Kingdome."<sup>3</sup> Unfortunately Sandwich was left continually short of money: he had been compelled to

<sup>1</sup> *Sandwich MSS. Journal*, viii. 547.

<sup>2</sup> *Ibid.*, viii. 550.

<sup>3</sup> *Sandwich MSS., Appendix*, ff. 126, 160.





JEMIMA, COUNTESS OF SANDWICH

*From a portrait by Adrian Hanneman*

To face p. 162 of Vol. II





borrow at a high rate of interest, and all his own rewards, and most of his private income, had been expended on the upkeep of his house, on the pay of his retinue, on numerous journeys, and on bon-fires, banquets, and the necessary entertainments of grantees. He had, as he said, grudged no charge upon his own estate, and his family suffered by this. In all he had spent close on £38,000, and prepared an account which showed that the Government was nearly £20,000 in his debt.<sup>1</sup> Some of the money which he was supposed to have had was ear-marked "due in about three years, because of orders which precede it"; the remainder had come to him through the uncertain medium of the hearth-tax, or through melting down both gold and silver plate.

There was at the time no proper system of regular payment, and no arrangement for the supervision of accounts by the Exchequer. The account which Sandwich rendered stuck long, as he said, in the hands of the *Junta*, or the Lords of the Committee of Foreign Affairs, to whom it was referred by the King.<sup>2</sup> The Lords objected to His Excellency's demand of £133 a week for his allowances, and tried to cut down the £6,000 which had been estimated for equipage and transportation. Sandwich had based his calculations on precedent: the former Ambassador to Spain had always had one-third more than the Ambassador to Paris; and since the latter was given

<sup>1</sup> The accounts of the embassy are in *Sandwich MSS. Journal*, viii. 566, 567. They also appear in *Cal. S. P., Dom.*, November 6, 1668, February 11, 1669. The amounts expended were—(a) for equipage and transport £6,000; (b) ordinary expenses for 143 weeks, at £133 6s. 8d. per week, £19,066; (c) extraordinary charges, such as presents, etc., £6,587; (d) interest on the ready money, bills of exchange, and so forth, raised by Sandwich, about £4,000.

<sup>2</sup> The Committee consisted of Lord Ashley, Sir Thomas Clifford, and Sir William Ashley (*Cal. S. P., Dom.*, February 11, 1669).

£100 a week, Sandwich considered himself empowered to ask the larger sum.

"Besides," he added, "I thought my quality of an Extraordinary Ambassador, an Earle, Knight of the Garter, and the greate successe I had in both my embassyes, my greate Hazards and personall labours, and also that I had in truth expended £4000 more than was in either of the accounts, I say I thought these considerations might well merit an allowance more than ordinary."<sup>1</sup>

Sandwich was in some doubt over the speedy dispatch of his affairs, although he thought that the King was inclined to favour him.<sup>2</sup> The matter of money was a serious one to a man with a large family, and continual calls upon him. At times his high spirits allowed him to forget his anxieties; at other times he was moped and miserable. For months the discussion over his accounts dragged on; even the money allotted for his equipage was reduced, and this he resented, since to honour his King and country he had taken "a splendid train both of Comerades and Servants."

"But the truth of my case," he says, "and the hardshipp of it, is beinge kept off from touchinge any money for soe many months; as I believe indeed very neare two yeare; soe that my Debts and Interest still consume and destroy mee: which I remonstrated to them and beseeched that the King my master would please himselfe and reduce what he thought fitt, soe that some money might be speedily and effectually paid mee."<sup>3</sup>

He had in the end to submit to the reductions; his allowance was brought down to £100 a week, the cost of equipage to £4,000; the interest was reduced in proportion, and allowed only on the condition that it was

<sup>1</sup> *Sandwich MSS. Journal*, viii. 568.

<sup>2</sup> *Pepys's Diary*, October 26, December 7.

<sup>3</sup> *Sandwich MSS. Journal*, viii. 572.

not made a precedent for other Ambassadors.<sup>1</sup> Even then six months elapsed before the accounts were passed.

The business of the money may have possibly been influenced by the reception of his report on Tangier. The gratitude of the Government was short-lived, and when Sandwich returned, the commercial treaty with Spain and the Peace of Lisbon soon passed into the shade of deeds forgotten. He had, however, an opportunity for renown in rendering his report, and for this he had collected the most ample material.

Upon his homeward journey Sandwich set down his reflections upon Tangier, "Arising to my contemplacion," says he, "from what I have now heard and seene upon the place." He believed first and foremost that it should be "indubitably preserved in the power of the English nation." A vigorous civil and military jurisdiction was needed. He desired that the Governor should be an Englishman, not Irish nor Scottish, and that the officers should be Protestant. He was opposed to the residence there of too many foreigners, and saw danger both in an increase of Irish Roman Catholics and of Scottish Presbyterians. He would have had all Barbary Jews banished, for they spied, they betrayed the prices of our commodities, and "they are beggars, and sucke the monye out of the inhabitants' purses." Sandwich believed in the new charter, which somewhat suppressed the garrison, but he also wanted the soldier to be satisfied, so that it should come to be a desirable thing to serve one's country in Tangier. He would have had the soldier admitted to the freedom of the town. Supply should be regular, he said, without defalcations; and the garrison's victuals should be in full proportion, good,

<sup>1</sup> *Cal. S. P., Dom.*, August 19, 1669.

and justly delivered. He also supported an increase of pay; he thought that it was justified by the absence from friends, the hard duty, and the dearness of commodities. "And I am of opinion for encrease of pay," he added, "because I am against the Governor's or any officer's making one farthing of Perquisites, upon the severest penalties."

For the improvement and security of trade he desired two fourth-rate or two fifth-rate frigates to convoy merchants from England—"a perpetuall bridle in the teeth of all nations"; but he feared lest the captains should use the frigates as traders, and he wished for severe penalties as a check upon such designs. He wanted freedom for the Moors to bring in their cattle and goods for sale, and would have a peace obtained with the Princes of the surrounding country either by gifts or by the perpetual presence of a strong naval force. He was not averse to Dutch aid, in order to ensure freedom of commerce in the Straits. He considered that the city and environs might be made Crown land:

"The annexation of Tangier to the Crowne," he wrote, "would encourage men much to build, and lay out their estates there; but this is a greate Point of State; how farr it is good in order to Preserve the Crown upon the Head of my master and his family to part with Regalities; and whether emergencies may not happen, wherein it may be of great use to his Majesty to have such a place in his owne personall power. Moreover it is to be considered the Temper of the House of Commons, when such a consideration is exposed; for if it should prove that then they have ill impressions and disesteeme of the place, instead of annexation it may proove the discouragement of the place."<sup>1</sup>

<sup>1</sup> *Sandwich MSS. Journal*, viii. 512 *et seqq.* He wished the Customs dues at Tangier to be only 8 per cent., and at Tetuan and the other towns 10 per cent. (*Sloane MSS.*, 3509, f. 26). The idea that Tangier should be annexed to the Crown was not discussed in Parliament until 1679.

Such were what Sandwich called his cogitations upon Tangier. In their essence they were sound. The encouragement of the garrison, by regular pay and good provisions, would have done away with discontent and exaction. Sandwich also emphasized the need for an incorrupt administration. He did not undervalue the civil power, and saw that it was as necessary to content the civilian as well as the soldier, though he sympathized with the grievances of the latter. He realized the importance of security of trade, and wished that it should be conducted in a regular manner. Immediately he returned to England the Council took up this point, and endeavoured to reform it.<sup>1</sup> They further considered the question of the freedom of Tangier to our West Indian trade, and they adopted the suggestion that a tighter hold should be kept upon the farming and administration of the Customs.<sup>2</sup> Within a few months matters between the soldiers and civilians were placed upon a better footing: their jurisdictions were defined, places in church were duly allotted, and strangers were encouraged to settle in the town.<sup>3</sup>

Although the visit to Tangier had some immediate effect, this was due to private conversations which Sandwich had in Council, rather than to his formal report. The anxiety which beset him over money matters, and his general sense that his work was ill appreciated, had their effect. When the report was completed, it was poorly composed. Had Sandwich asked Pepys's advice before writing it, he might have made the work more acceptable to the Council; but his extant letters show him to have been the most prolix

<sup>1</sup> *Acts of the Privy Council (Colonial)*, vol. i., § 802.

<sup>2</sup> *Ibid.*, vol. i., §§ 826, 827.

<sup>3</sup> *Public Record Office: Colonial Papers*, 279, Bundle 12, ff. 163-166. See also Miss Routh's *Tangier*.



of writers, and he was evidently a poor speaker. He was crushed by the weight of his material. A day was appointed for him to give his account of Tangier, says Pepys; "and what he did, and found there, which though he had admirable matter for it, and his doings there were good, and would have afforded a noble account, yet he did it with a mind so low and mean, and delivered in so poor a manner, that it appeared nothing at all, nor anybody seemed to value it; whereas, he might have shown himself to have merited extraordinary thanks, and been held to have done a very great service; whereas now, all that cost the King hath been at for his journey through Spain thither, seems to be almost lost."<sup>1</sup>

This was indeed a most unfortunate termination to the embassy, for it made men forget for a moment the great work already done. It can hardly be denied that Sandwich took considerable pains over the business. He was industrious over Tangier and its affairs, but his industry was, in a sense, his undoing. His work lacked clearness, the main points and the lesser were made equal in importance. He omitted nothing—a great mistake when one's audience consisted of such men as Charles and Arlington, Bristol and Buckingham. He had not the needed lightness of touch, and his friends were left to bemoan the weak report he had made out of his abundance of good matter.

On the other hand, he had gained great respect in Tangier. True, the charter, of which so much had been hoped, led to renewed quarrels between Bland and Norwood, but that could not be laid at His Excellency's door. While he was in the town Sandwich had inaugurated a brief reign of peace, and upon his return home he did much to ensure its continuance.

<sup>1</sup> Pepys's *Diary*, November 9.

When disputes broke out, both sides, civil and military, appealed to him as to a just judge.<sup>1</sup> There was some talk of his returning to Tangier as Governor.<sup>2</sup> Had he wished again to go abroad, his experience and powers of administration would have made the appointment an admirable one; and his capacity and keen interest might well have prevented the loss of our African outpost. The report of his coming was received in Tangier with great joy, but it proved premature, and for the remainder of his life Sandwich served his country at home.

<sup>1</sup> A considerable portion of a volume of the *Sandwich MSS.* (*Letters from Foreign Ministers*) contains letters from Norwood, Bland, and others, upon Tangier affairs. See also *Brit. Mus.: Sloane MSS.*, 3509, ff. 262-269, 3510, ff. 35, 40.

<sup>2</sup> Pepys's *Diary*, December 7.

## CHAPTER XIII

### POLITICAL LIFE<sup>1</sup>

"Last night was one of their cabal nights; they have 'em three times a week. . . . You and I are excluded."—CONGREVE: *The Way of the World*, Act I., Scene I.

AFTER his return from Madrid, Sandwich could look back with satisfaction upon the results of his embassy, and he began to find that in another field he was accorded tardy recognition. The world had looked somewhat coldly upon success achieved abroad, but opinion was veering round to the view that, when Sandwich was sent to Spain, England had exiled one of her soundest seamen. "Should he return to-morrow," wrote Pepys in 1667, "his Lordship would find the world give him another look than when he left us, the last year's work having sufficiently distinguished between man and man."<sup>2</sup> The combination of Rupert and Albemarle in 1666 had been by no means a success. This could hardly be laid at Albemarle's door; but he must have regretted his condemnation of the "tarpaulins," for he found that his new officers were of the poorest courage, and could not behave

<sup>1</sup> Authorities: *Sandwich MSS. Journal*, vols. ix., x., and *Letters*, particularly the *Appendix*; *Carte MSS.*; *Calendar of Treasury Books* (edited by W. A. Shaw); Anchtell Grey, *Debates of the House of Commons* (1667-1694); *Lords' Journals*; *Commons' Journals*; Pepys's *Life, Journals, and Correspondence* (edited by J. Smith).

<sup>2</sup> Pepys's *Life*, etc., i. 116. See also Teddman's opinion of Sandwich; Pepys's *Diary*, October 29, 1666.

like men.<sup>1</sup> Then came the fatal laying up of the fleet, and the Dutch raid in the Medway. Again Albemarle was not responsible; he did all he could do—"stout and honest to his country."<sup>2</sup> But the people were dissatisfied, and the names of Sandwich and Penn were passed from mouth to mouth. Sandwich as Admiral was more desirable than Rupert; he at least would have opposed the division of the fleet which caused the first disaster. Rumour had it that he was to be sent for to take over the command,<sup>3</sup> and it was said that the King, a good judge of naval affairs, was actually prepared to recall him from Spain and give him the naval conduct.<sup>4</sup> James, who had quarrelled with Coventry, began to cast aside his jealousy, and spoke more kindly of his lordship.<sup>5</sup> This reached the Ambassador's ears, and he returned home with the satisfaction of knowing that he had recovered his position, and that, if war broke out again, he would be certain to serve. He could thus look to the future with some increase of confidence.

He was altogether a more important personage than had left England in 1666, and he was conscious of the fact. He had changed much in appearance. He had grown exceedingly stout and unwieldy, and was far heavier than any of his suite. His face had become redder, but his brown hair was as yet untinged with grey. He wore his beard in the Spanish manner, and had adopted the plainer Spanish dress. There was about him something of the grandee. He could speak fluent Spanish, and had stored his mind with the customs and curiosities of the country. His lengthy

<sup>1</sup> Pepys's *Life*, etc., i. 110.

<sup>2</sup> Pepys's *Diary*, October 23, 1667.

<sup>3</sup> *Hist. MSS. Comm.: Le Fleming MSS.*, p. 45.

<sup>4</sup> *Carte MSS.*, 223, f. 305; Pepys's *Diary*, December 9, 1667, and February 13, 1668.

<sup>5</sup> *Sandwich MSS., Appendix*, f. 157.

residence in Madrid had left its mark. He extolled Spanish music and dancing, and brought home a youth, the best dancer in Spain, to dance for him. He lent to his friends the journal of his embassy, packed with rich details and pictures. He had collected curious anecdotes and local legends. He gossiped about Kings and Queens, wonderful buildings, and quaint sports. He brought back some coins and curiosities, told the ladies of the family the most modern way in which to perfume their gloves, and enriched their dishes with recipes. He had transcribed Spanish songs, which he sang to the guitar. For men like Evelyn, to whom he had already sent some of his harvest, he had his excellent drawings of gardens, fountains, and the like, done by the skilful hand of Charles Harbord or William Ferrers.

To none was the Ambassador's gossip more welcome than to Lady Sandwich. She had long desired his return, for many changes had taken place, and she had been overwhelmed with anxiety; but she never succumbed; she proved herself a trustworthy guardian, and "the same most excellent, good, and discreet lady that ever she was." She had been left at home with her many small children, and was in continual straits for money, notwithstanding that "all within doores," said her lawyer, "is ordered with the utmost frugality and prudence can be contrived."<sup>1</sup>

"Besides the want of your good company," wrote my Lady to her husband, "I fear your estat will be much spoild if you doe not sone return. . . . I hope the first work you doe as to your estat will be to get us clear if it is possible. I hear of soe many undone by continuing in great deapts. Pardon my medeling in those affairs, you know whats best."<sup>2</sup>

<sup>1</sup> *Carte MSS.*, 75, f. 477.

<sup>2</sup> *Ibid.*, 223, f. 155.

Sandwich could give his lady little or no relief, for he had not the money to supply his own needs. So during his prolonged absence Lady Sandwich was fain to economize in every way. She gave up her season in town. She sold a large amount of her cherished plate—all, indeed, that she could spare—and parted with a suite of beautiful hangings, for, said she, money seemed possible no other way.<sup>1</sup> She had to dismiss the boys' governor, Monsieur de Prata, though she was cut to the heart, and told him of her decision through a friend.<sup>2</sup>

"I did till very latty defer the taking of a capline,"<sup>3</sup> she wrote to Sandwich, "in hops of your sone return, but hearing your coming was deleayed I have now spock to Mr. Jervice Fullwood to come at Lady Day."<sup>4</sup>

With all her economies matters grew little better, and the continued postponement of her husband's return was a great blow.

Just as Sandwich left Madrid she wrote once more :

"I weare in great straits for money, my son soe deply sharing with us hear, and can get none from Mr. More, and therfor am forsed to borow of my cosen Pepys, a 100 pound, which I doubt will not serve till you com. I pray God send us a happy and speddy meeting, if it be his wille. Hinchbrok much want your selfe allthoug it now is plesent. I pray God of heaven send you a good voiage to Tanger wher I hear the King hath commanded you to goe. Your frends are of opinion that in all respects it would be best for you to be att home. I am sure your Estat is much out of order by these times, things bearing noe Price, but now we have peace I hope all things will be better and I fear ther will be a great distance betwene Shep-

<sup>1</sup> *Carte MSS.*, 223, f. 139.

<sup>2</sup> *Ibid.*, 223, f. 102.

<sup>3</sup> *I.e.*, chaplain.

<sup>4</sup> *Sandwich MSS.*, *Appendix*, f. 127. See Pepys's *Diary*, May 24, 1668, when he says that Fulwood preached "a very good and seraphic kind of sermon, too good for an ordinary congregation."



ley and us in our reckoning besides the heviy burdon that lies upon Mr. Moore, and rents are very ill paied but I thank God for the hops of your coming amongst us again, and now will cast off all trouble if we have but your company. . . . I assure you I live as low as I know posibely how to doe for meat, drink and cloathes, but soe great a familey as ours will ask much to manetane it."<sup>1</sup>

Nevertheless the good lady struggled on. An estate of £500 a year fell to her husband through the death of Robert Payn of St. Neots.<sup>2</sup> Aided by this, she kept the home together, and completed a transaction which was of great importance in the family, the marriage of the eldest son, Viscount Hinchbrook.

The earliest suggestion as to a match for young Edward was made when he was barely ten years of age. The match-makers then were Monck and Mountagu, who were apparently on friendly terms long before the Restoration. From Dalkeith, Monck wrote as follows:

"There is a Lady of a good fortune married to a Man of a small Estate (though of the name of Scott) but she is sicklie, and it is probable will have no Children; but there is another Daughter, the Lady Anne Scott, that is very ingenious, and but nine years of age, and in case the other failes she is to have the Estate, however she is to have £6000 for her portion if the other lives. And if your Lordship pleases to inquire of any Lawiers whether by the Act, that tooke away the wardshippes in England, the wardshippes in Scotland are also cut off which I believe they are not, if youre Lordship thinke fitt to gett the Wardshippe of this Younge Lady which is unmarried, I believe you might match her to one of your Sonnes. And if the Estate does fall to her (which is likely) she will have

<sup>1</sup> *Sandwich MSS.*, *Appendix*, f. 130.

<sup>2</sup> *Sandwich MSS. Journal*, iii. 94. For this estate see *Carte MSS.*, 74, f. 35. Previously Sandwich derived from his rents about £5,700 a year, which came from other lands round St. Neots, Eynesbury, Lyveden, and his fee farm rents (*Carte MSS.*, 74, f. 343).



EDWARD, VISCOUNT HINCHINGBROOKE

SECOND EARL OF SANDWICH

*From a portrait by Sir Peter Lely*

To face p. 174 of Vol. II



£7000 a yeare, but if it does not she will have £6000 to her portion. This is my opinion of this businesse, butt you had neede to use some diligence in itt, for there is a person of Qualitie in this Country goes uppe on purpose to get this from his Highness."<sup>1</sup>

Shortly afterwards Monck wrote again to say that, by the Act of Union, the wardship was "taken off from this Country," and at the same time he affirmed that the estate was worth £9,000 a year; he added, "the Lady that is now married is very weake, and I believe she will either have no children, or not live longe."<sup>2</sup> Monck was right: the elder daughter died, but the match between Lady Anne Scott and Edward Mountagu was never made, and the little heiress eventually married the handsome son of Charles II. and Lucy Walters, and became Duchess of Monmouth.

When his son was of marriageable age, Sandwich endeavoured to betroth him to the great heiress of the day, Mistress Mallett, who had a fortune of several thousands.<sup>3</sup> In December, 1664, Sandwich received a letter from Court in answer to his inquiries about her:

"My Lord John Butler was first named for her, but his father gave way to my Lord of Desmonde's sonne's pretention to her which is supported by all the recommendations of Somerset House. Notwithstanding which my Lady Castlemain hath rigged the King, who is also seconded in it by my Lord Chancellor, to recommende my Lord of Rochester. Now these personages being with soe much advantage and preference upon the stage, I feare now noe other can with any probability of succeeding enter; what I further

<sup>1</sup> *Sandwich MSS. Letters*, i. 11, February, 1658. Clarendon asserts that Monck desired the heiress for his own son (*Life*, ii. 392).

<sup>2</sup> *Sandwich MSS. Letters*, i. 13. The "first refusal" of her hand was promised to the Mountagus (*Carte MSS.*, 73, f. 218).

<sup>3</sup> *Cal. S. P., Dom.*, December 5, 1664; Pepys's *Diary*, May 28, 1665. Her fortune was £2,500 a year.

heare of the Lady is that Shee declares shee will choose for herselfe. If shee hold to it, the game is upon equal terms at least."<sup>1</sup>

A few days later Sandwich received a letter from Elizabeth Mallett's guardian, who could not then, he said, entertain his lordship's proposals.<sup>2</sup> My Lord therefore gave up the quest for a time, saying that he would suppress any thought that might deviate from the King's pleasure.<sup>3</sup>

The suitor of whom Elizabeth's guardians most approved was Lord John Butler, and the young lady feigned to encourage his wooing, for her grandfather, her father, and even her mother, had inveigled her into a promise not to marry without their consent. But she saw that they were ready to "make a prey of her": her timber was cut down, her estate was lessened. Elizabeth was amused at the negotiations which went on in her presence. She dissembled her love, and, in her high-spirited and wayward way, she gave her suitor hope. She drank Butler's health "in a pretty big glasse halfe full of Clarett . . . more than ever shee did in her life."<sup>4</sup> And all the time she had her own views; a year later the Mountagu affair was again upon the carpet, and Sandwich told Pepys "that an overture had been made to him by a servant of hers, to compass the thing without consent of friends, she herself having a respect to my Lord's family, but my Lord will not listen to it but in a way of honour."<sup>5</sup>

The romance of Mistress Mallett's life was shared with

<sup>1</sup> *Sandwich MSS. Letters*, i. 39: Henry Bennet (Lord Arlington) to Lord Sandwich.

<sup>2</sup> *Ibid.*, i. 107.

<sup>3</sup> *Cal. S. P., Dom.*, December 18, 1664.

<sup>4</sup> *Carte MSS.*, 34, f. 349: Henry Nicholls to Ormond.

<sup>5</sup> Pepys's *Diary*, February 25, 1666. Sandwich was then probably considering Lord Banbury's daughter, who had £10,000 and Newport House (*Carte MSS.*, 75, f. 301).

Lord Rochester, the most notorious profligate of his time. He began by her abduction, and carried her off in a coach, for which he was sent to the Tower. "Here-upon," says Pepys, "my Lady Sandwich did confess to me, as a great secret, her being concerned in this story. For if this match breaks between my Lord Rochester and her, then, by the consent of all her friends, my Lord Hinchinbrooke stands fair, and is invited for her."<sup>1</sup> Though for many months the Mountagu-Mallett match was discussed, it never came to anything. Carteret, who conducted the negotiations, found the lady's guardians very unreasonable.<sup>2</sup> But a meeting was arranged between the two young people. Lord Hinchinbrooke saw Mistress Mallett at Tunbridge Wells, and thought her beautiful, though he was not fully pleased "with the vanity and liberty of her carriage."<sup>3</sup> He surmised, too, that she had affection for someone else.<sup>4</sup> She in her turn thought him indifferent, for when she had proposed to compass the match "without consent of friends," the Mountagus had refused, unless with honour. So she turned again to Rochester, and she and her thousands fell to him. It was left to the children to unite the two families, and in after years Lord Hinchinbrooke's eldest son married Elizabeth Mallett's daughter.<sup>5</sup>

At length, in 1667, Lord Hinchinbrooke found an heiress. The bride-elect was Lady Anne Boyle, daughter of Lord Burlington; "a great alliance," says Pepys, "£10,000 portion."<sup>6</sup> The match was kept secret from the young people, and arranged chiefly by

<sup>1</sup> Pepys's *Diary*, May 28, 1665.

<sup>2</sup> *Carte MSS.*, 75, f. 435, and 223, f. 303.

<sup>3</sup> Pepys's *Diary*, August 26, 1666.

<sup>4</sup> *Carte MSS.*, 223, ff. 131, 132.

<sup>5</sup> The third Countess of Sandwich was Lady Elizabeth Wilmot, daughter of the Earl of Rochester.

<sup>6</sup> Pepys's *Diary*, April 29, 1667.



Lord Crew and Sir George Carteret. The latter strongly advised Sandwich to give his consent ; "your Lordship," he wrote, "knows what worthy people they are in that family, and how they are allyd with many of the best families in England . . . as for the Lady she is a most accomplished person."<sup>1</sup> "I hope shee will bring as great a blessing to your Lordship's house," said Carteret again, "as that Deare Daughter of your Lordship hath brought to Myne."<sup>2</sup> So Sandwich took Carteret's advice, the negotiations proceeded without any hitch, and Carteret again wrote to announce that Lord Burlington accepted Edward as his son-in-law "with all imaginable joy and satisfaction."<sup>3</sup> At the same time Lady Sandwich was told of the match, and did "mightily please herself with it."<sup>4</sup>

The marriage, which took place in January, 1668, was delayed in the hope that Sandwich might have returned. The Duke and Duchess of York were present, and "did come to see them in their bed together on their wedding night."<sup>5</sup> Lady Sandwich, in writing about the wedding, says to her Lord :

"I hope you have or will heare before this comes to you of your son's being married to my Lady Ann Boile ; I think much to both their great contentments by what I hear from others, and by what they both express to me. He writes me very submissive, good and kind Letters. I think in the World againe he could not be so fitted with wife, father and mother-in-law, who are extraordinary kind to him, very fond of them both, and truly if they had not much kindness for him and us the discourses that have been made might have made them fall off. They are very good condition, wise and chearfull people. I have extraordinary kind Letters

<sup>1</sup> *Sandwich MSS., Appendix, f. 151.*

<sup>2</sup> *Sandwich MSS. Letters, ii. 35.*

<sup>4</sup> *Pepys's Diary, May 15, 1667.*

<sup>3</sup> *Carte MSS., 75, f. 523.*

<sup>5</sup> *Ibid., February 5, 1668.*

from my Lady and your Daughter and have had one from my Lord, and soe has Pall and Nan from ther Sister H. She hath a very fine, free kind way of writing soe have they all, somthing Mr. Boiles styll. I need not tell you what a great wedding ther was and what great company. I beleve your daughter Cart or some of your frends at London will tell you those things. Mr. Cook that is Neds man writs to Mrs. Ellton that my Lord Bur. gave his daughter 800 pound to buy weeding cloathes and sence my Lady her mother hath given her 120 pound of plate for her dresing table. If pleas God to continew our estat, I hope it will be a very happy match; however I hope they will not be surprised with the worst that can come; but all things are well with us at the present, and I beleve like to hold soe if wee keep our lat land; I doe much hope the best, but it is good to think of the worst."<sup>1</sup>

Lady Sandwich had every reason to be pleased with her son and daughter-in-law, for they made a fine couple. Lord Hinchbrooke was tall, like his father, but a much slimmer man, without any tendency to stoutness. He was fairer in appearance, and favoured his mother's family rather than the Mountagus. He was a man of "sobriety and few words," perhaps rather countrified. He did not at first take any prominent part in politics or dance attendance on the King. At the time of his marriage he was only twenty, and had not led a varied life like his father's to render him mature. After the grand tour he had settled down at Hinchbrooke, and helped his mother to keep the estate in order. He saw to the planting of trees and the building of the ice-house. While Sandwich was in Spain, his son Ned, as Lord Hinchbrooke was called, had charge of the Wardrobe money. "Account this affaire of greate importance to yours and my safety as well as Profitt," wrote the Earl, "there-

<sup>1</sup> *Sandwich MSS., Appendix, f. 126.*

fore you cannot take paines in a thing of more moment and besides give you a handsome introduction sometymes to be knowne to the Kinge."<sup>1</sup>

The introduction served, and the King encouraged him; for Lord Hinchingbrooke soon prepared to go into Parliament, and became Colonel of the county militia.<sup>2</sup> He appears to have been delicate, since he spent much of his time up at Knaresborough. His young wife writes to Sandwich:

"My Lord is at this present in Yorkshire drinking the waters there, which he doth with so good advice of the best doctors that tho' in my owne minde I am little a friend to any kinde of phisick but in cases of absolute necessity, I am satisfied which they say is the most likely to remove that inward heate my Lord is continually troubled with, and I have the greater hopes that they will have that Good Effect, having from him the assurance that the waters agree with him and he very well in the drinking of them."<sup>3</sup>

Lady Hinchingbrooke, from the tone of her letters, was evidently a girl of sense. She was of a middle height, fair and graceful; she had a long oval face, a small mouth, high-caste nostrils, and a demure expression. Pepys thought her neither a beauty nor ugly, and found her "a very sweet-natured and well-disposed lady, a lover of books and pictures, and of good understanding."<sup>4</sup> Her marriage was happy, and she was welcomed by the family. Lady Sandwich spoke of her in the warmest terms, as most desirous to please her new relations. On a visit to Hinchingbrooke, the bride brought all her brothers and sisters "fine tokens." So the good Lady Sandwich must needs not be outdone in generosity, and gave her a skin and gloves sent from Spain.

<sup>1</sup> *Carte MSS.*, 223, . 133.

<sup>2</sup> *Ibid.*, 74, f. 195.

<sup>3</sup> *Sandwich MSS.*, *Appendix*, f. 145.

<sup>4</sup> *Pepys's Diary*, March 14, 1668.



ANNE, LADY HINCHINGBROOKE

*From a portrait after Sir Peter Lely*

To face p. 130 of Vol. II



"I have persuaded Pall and Nan," she writes to her husband, "to be contented with one skin and each of them a pare of gloves, becaus I might give ther sister one. They are as good Gurls as I can wish them, and I have keep the marked skin to myself, for which I hartily thank you."<sup>1</sup>

Although she welcomed her new daughter, the marriage brought to Lady Sandwich additional anxiety on account of the money, which she generously shared with her son and his bride. Lord Hinchinbrooke, so she told her husband, had half the estate, "which I beleve he find little enough to," she adds, "rents being ill paied, and taxces being soe high."<sup>2</sup>

My Lady kept watch upon another young couple: the eldest daughter, Lady Jemima, and her husband, Philip Carteret, who had settled down to country life. The two families had combined to buy an estate worth about £25,000, and early in 1667 they purchased Haynes, in Bedfordshire, from Sir Samuel Luke.<sup>3</sup> The house was a good one, part of it had been designed by Inigo Jones, and until recently it contained many portraits, including one of the Earl of Sandwich.<sup>4</sup> From this house Lady Jemima's son, George, took his title of Baron Carteret of Hawnes. The boy was born at Hinchinbrooke in 1667, and was the first grandchild Sandwich had. The father, Philip Carteret, lived a quiet, uneventful life, though he was "very busy and industrious" in county affairs.<sup>5</sup> Like many men of his time, he was ingenious in trifles, such as in painting, drawing, and the making of watches, and he was a member of the Royal Society.<sup>6</sup> He and his wife found

<sup>1</sup> *Sandwich MSS., Appendix*, f. 128.

<sup>2</sup> *Ibid.*, f. 131.

<sup>3</sup> *Carte MSS.*, 75, f. 523; *Sandwich MSS. Journal*, iv. 178.

<sup>4</sup> In December, 1910, a portrait of Lord Sandwich which may have come from Haynes was sold at Christie's.

<sup>5</sup> *Sandwich MSS. Letters*, ii. 92.

<sup>6</sup> *Pepys's Diary*, March 1, 1665, and March 8, 1668.



Haynes a place rather beyond their means ; and this troubled dear Lady Sandwich, whose own experiences were none too good.

"I hear my son Carteret oweth Mr. Wallden 100 pound," she wrote ; "I hop it is only forgotten, or else it would be paid, and tis not for us to medle in it. I wish Mr. Moore or some of our friends that she would take it well of, would advise her [Lady Jemima] to have noe hand in boroing money for him. She knoweth not the trouble it will be to her, if it come to be more than they can pay."<sup>1</sup>

At home my Lady Sandwich had the care of her five younger children, who were then growing up. They were Lady Anne and Lady Catherine, John and Oliver and Charles. Poor Catherine was troubled with sore eyes.

"I have sent little Kat to London," writes Lady Sandwich, "to Mr. Pers the Serg. that belongs to the Duke, ther being they say the famostes Docr. in Ingland for sore eies ; he did a mirackeulus cure on the Dutches daughter, the Lady Ann, and now cam up to the Dutches of Richmon, who by the smale pox had one of her eies much hurt."<sup>2</sup>

Pepys, too, tells of the little girl's coming to town ; "they think the King's evil, poor pretty lady."<sup>3</sup>

The twins, John and Oliver, were sent to the grammar-school at Huntingdon, under a Mr. Taylor. Their cousin, Sam Pepys, on a visit to Hinchinbrooke, was much impressed by their promise.

"I took them into the garden," he says, "and there, in one of the summer houses, did examine them, and do find them so well advanced in their learning, that I was amazed at it : they repeating a whole ode without

<sup>1</sup> *Carte MSS.*, 223, f. 139: Lady Sandwich to Lord Hinchinbrooke, December 2, 1667.

<sup>2</sup> *Sandwich MSS.*, *Appendix*, f. 130.

<sup>3</sup> *Pepys's Diary*, May 30, 1668.

book out of Horace, and did give me a very good account of anything almost, and did make me very readily very good Latin, and did give me good account of their Greek grammar, beyond all possible expectation; and so grave and manly as I never saw, I confess, nor could have believed, so that they will be fit to go to Cambridge in two years at most. They are both little, but very like one another, and well-looking children."<sup>1</sup>

Lady Sandwich also says they did well at their books, and tells her husband how they spent their Christmas at Boughton, with their cousins and the children of the Lord Chancellor. Both were boys of ability. Their brothers' old master, de Prata, proffered his services for their education, that he might "become lesse unusefull to the family." "The young students at Huntingdon," he wrote, "beginn to rayse their spirits and understandings to some higher degree then perhaps the Schoole can lead them to."<sup>2</sup> They were shortly sent to Westminster. Their father has preserved some Latin verses which they there made, and which are not without merit.<sup>3</sup> Thence the lads and their younger brother Charles went up to Cambridge.

It was thus a somewhat changed family which greeted Sandwich on his arrival. His eldest son was married, his daughter Jemima had made him a grandfather, and the twins, Oliver and John, were ready for a public school. Charles was a boy of ten, little Catherine was seven, and James, the sixth son, was only four years of age. My Lord was young enough to enjoy their lively companionship, and entered into their sports and pastimes. But the family circle was soon broken. A few months after Sandwich

<sup>1</sup> Pepys's *Diary*, October 10, 1667.

<sup>2</sup> *Carte MSS.*, 223, f. 102.

<sup>3</sup> *Sandwich MSS. Journal*, x. 283.

came home he lost his daughter, Lady Paulina, an "eminently virtuous" girl, just turned twenty. She was never married, though she had been courted by the eldest son of Sir Robert Houghton.<sup>1</sup> She took after her grandfather, Sir Sydney, in her love of religion, and, like him, wrote many pious notes and homilies in her own hand. She was nervous and highly strung, and her illness made her appear somewhat peevish. Her father was very fond of her, if his letters are any index to his feelings.

"Deare Paulina," he once wrote from Madrid, "I am heartily glad of thy letter . . . and the goode newes of thy health and vertue. I pray God continue and encrease it. Commend me kindly to deare Nan and Catharine and your Brothers. The God of Heaven blesse you, and send us a good meetinge, which is the greatest joy I can have in this world; being, Deare hart, thy most affectionate father."

And at her death he wrote in his journal:

"February 28, 1669. This morninge about 9 of the clocke it pleased God to take unto himselfe my deare, sweete daughter Paulina in her 20th yeare of age, being yet unmarried. At the upper Chelsey at Mrs. Beck's house."

The loss was a great blow to his lordship. He was "shut up with sorrow, and so not to be spoken with."

Thus wrote Samuel Pepys; and though it was an occasion when Sandwich might well refuse to see him, there is no doubt that matters had cooled between the two men. At the outset of the famous diary, Sandwich appears on nearly every page; when the diary is drawing to a close, references to him are but few. The change came during the embassy to Madrid.

<sup>1</sup> *Carte MSS.*, 75, f. 415, and 223, f. 157. See also *Sandwich MSS.*, *Appendix*, f. 149. Her hand was asked by Stephen Anderson on his son's behalf.

Pepys, as he himself confesses, rarely wrote to his patron, though he urged upon himself the duty of so doing, and upbraided himself with his remissness; Sandwich, too, had taken notice of it, "but yet gently."<sup>1</sup> Money matters were in the charge of Henry Moore, and, though Pepys was always in favour with Lady Sandwich, he saw less and less of my Lord. His place as confidant was taken by Charles Harbord and Clem Cotterell, who for three years had been Sandwich's constant companions. Pepys thought very little of them, and was somewhat piqued. "I to Whitehall," he writes, "and there waited on Lord Sandwich, which I have little encouragement to do, because of the difficulty of seeing him, and the little he hath to say to me when I do see him, or to any body else, but his own idle people about him, Sir Charles Harbord, etc."<sup>2</sup>

It was this same Harbord whom Sandwich designed to make Paymaster of Tangier, without consulting Pepys. But when he came to move this at the Board of Tangier, the Duke of York took up the cudgels on Pepys's behalf, and would have him consulted.

"This my Lord in great confidence tells me," says Pepys, "that he do take very ill from the Duke of York, though nobody knew the meaning of these words but him; and that he did take no notice of them; but bit his lip, being satisfied that the Duke of York's care of me was as desirable to him, as it could be to have Sir Charles Harbord: and did seem industrious to let me see that he was glad that the Duke of York and he might come to contend who shall be the kindest to me, which I owned as his great love, and so I hope and believe it is, though my Lord did go a little too far in this business, to move it so far, without consulting me."<sup>3</sup>

<sup>1</sup> Pepys's *Diary*, May 29, 1668.

<sup>2</sup> *Ibid.*, November 25, 1663.

<sup>3</sup> *Ibid.*, January 18, 1669.

The brief conversation shows that there was some estrangement, and this was one of the few occasions upon which Pepys and his patron talked about business. For though Pepys made up his mind to proffer Sandwich advice on monetary affairs, he thought better of it. However, he determined to entertain His Excellency, who had so far never broken bread in Pepys's house. On January 23, 1669, the dinner took place. In addition to Lord Sandwich, Pepys entertained Lord Peterborough and Sir Charles Harbord, Sir William Godolphin, Lord Hinchinbrooke, and Sydney Mountagu. He was delighted over the accessories: the skilful man who folded napkins, the variety and excellence of the wine, the dinner brought up, one dish after another—a great contrast to the ruder feasts of his early life. And after dinner my Lords played cards, and the rest of the company turned over Pepys's books, or looked at his pictures and at his wife's drawings. "And mighty merry all day long, with exceeding great content, and so till seven at night; and so took their leaves, it being dark and foul weather. Thus was this entertainment over, the best of its kind, and the fullest of honour and content to me, that ever I had in my life: and shall not easily have so good again."<sup>1</sup> But the old terms of cordial friendship were never resumed. When Sandwich, a few months later, made his will, he did not place Pepys among his executors, nor did he leave him any remembrance.<sup>2</sup> Shortly afterwards they adjusted their accounts, and Pepys had no further anxieties upon that score.<sup>3</sup>

The estrangement from Pepys was one of many

<sup>1</sup> Pepys's *Diary*, January 23, 1669.

<sup>2</sup> Somerset House: Wills in the Eure Collection.

<sup>3</sup> *Rawlinson MSS.*, A. 174, f. 437. Pepys charged his lordship 6 per cent. The quittance is dated June 15, 1670.

changes which took place in my Lord's life, and which extended to his surroundings. The house "at the Porch," in Lincoln's Inn Fields, was passed on to Sir George Carteret, and Sandwich apparently leased a house at Hampstead.<sup>1</sup> His old home at the Wardrobe had been destroyed by the Great Fire, and it was with difficulty that the iron chest, containing his plate, was saved from destruction.<sup>2</sup> The office of the Wardrobe was moved to the Savoy, but there was, apparently, no residence attached, though the Master had the right for his lifetime to a house and grounds.<sup>3</sup> Thus one of the chief attractions of the office was removed, and Sandwich found his position lessening in value. During his absence in Spain the Great Wardrobe had been re-organized. For some five years the King had considered retrenchment.<sup>4</sup> In 1668 the perquisites of the Master were cut down, and, instead of an appropriation of the surplus, he was given a salary of £2,200, in compensation of all other ancient fees and allowances.<sup>5</sup> Much of the business passed into the hands of a comptroller and a surveyor.<sup>6</sup> To Lord Sandwich the Wardrobe had never been a very profitable affair. In a given year only about one-fifth of the necessary money was provided in actual cash; the

<sup>1</sup> *Sandwich MSS. Journal*, vol. viii. ; and x. 290.

<sup>2</sup> *Carte MSS.*, 75, f. 477.

<sup>3</sup> *Cal. S. P., Dom.*, February 13, 1671. The new house had been Lord Lumley's.

<sup>4</sup> *Cal. S. P., Dom.*, October 15, 1663. Pepys estimates the profits at less than £1,000 a year (*Diary*, September 2, 1667).

<sup>5</sup> Chamberlayne, *Angliæ Notitia*, 1671 ; *Cal. S. P., Dom.*, November 21, 1669.

<sup>6</sup> The Comptroller was Andrew Newport, and the Surveyor was Bullen Reymes. Their apologetic letters on the appointment are in the *Sandwich MSS. Letters*, ii. 138, 142. The yearly expense was not to exceed £16,000 (*Cal. S. P., Dom.*, March 16, 1668). From June 24, 1660, to Michaelmas, 1666, the expenditure was £238,615, exclusive of £33,000 spent on the coronation and certain funerals, which exceeds £45,000 a year (*Carte MSS.*, 74, f. 249).



remainder was assigned upon some fund which frequently had no balance in the Exchequer.<sup>1</sup> The tallies would not pass, even at an abatement, and interest had to be paid upon them.<sup>2</sup> During my Lord's absence in Spain it was difficult to collect a penny. So the re-organization provided an excuse, and within two years Sandwich, tired of the new arrangement, sold the office of Master to his cousin, Ralph Mountagu.<sup>3</sup>

Sandwich had not been long at home before certain troubles, of which he had had many warnings, surged round him, and in order to understand the uncertainties of his position a considerable retrospect is necessary.

While he was still abroad, England was in an uneasy state. The outburst of unconditional loyalty, which threw a glamour over the Restoration, passed away, and in its place there arose a perverse and uncompromising spirit of dissatisfaction; the people remembered Oliver Cromwell, "what brave things he did," and contrasted his rule with that of Charles.<sup>4</sup> The uneasiness was increased by events which Sandwich had not witnessed, such as the Fire of London and the Dutch attack upon Sheerness. Parliament voiced the discontent, and began an inquiry. "I hope our heates will decrease before you can be here," wrote one of the Ambassador's friends; "otherwise they will burst out into flames that will devoure great distances, and none can tell who will be spared."<sup>5</sup>

At the same time Lord Sandwich was affected by

<sup>1</sup> *Calendar of Treasury Books*, vol. ii., pp. xv, lxv.

<sup>2</sup> *Carte MSS.*, 75, f. 299. Moore complains that he cannot pass the tallies even at an abatement of 30 per cent. They can hardly be paid in three years, and at 6 per cent. the loss on £100 was £18.

<sup>3</sup> *Cal. S. P., Dom.*, August 6, 1671.

<sup>4</sup> *Pepys's Diary*, July 12, 1667.

<sup>5</sup> *Carte MSS.*, 223, f. 323: Henry Howard to Sandwich.

the changed complexion of the Court. His old friend Clarendon had withdrawn. Determination to uphold the Code which bore his name, and an outspoken disapproval of the King's amours, had been the Chancellor's undoing. His fall, which Medina had predicted, was accomplished by the end of 1667; and the great man, who had done so much for Charles Stewart, was now an exile. Albemarle had virtually retired; he was sixty years of age, infirm and dropsical, and too sincere to become first favourite. He had laid down the rod of power, and with his retirement the influence of the older Royalists was again supreme; those who compassed the Restoration were supplanted by the Cavaliers, and George Villiers, second Duke of Buckingham, seized the reins.

Upon the Chancellor's fall, his rival, Lord Arlington, hoped for the reward of several years' intriguing, but Buckingham contested the position. In assurance, though not in place, the Duke had the advantage. Arlington was at this time a man of fifty. His knowledge of foreign affairs made him supreme in that department; his knowledge of tongues, his good breeding and courtly manners, impressed the foreigner. But in political intrigue he met his match, at least for a time, in Buckingham—a man as comely in person as he was witty of tongue, and a thorough-going rake.

By skilful intrigue, bribery, and the like, Buckingham built up a small party in the House of Commons. He saw an opening in the championship of toleration. Though he lacked religious feeling, he and his followers were determined to set aside the work of Clarendon, and to fight against the Clarendon Code. Again, since Clarendon had opposed the examination of accounts as derogatory to the Sovereign, the new party determined upon a change of policy, and brought

about a public audit. The uneasiness over the nation's debts had lasted since the outbreak of the first Dutch War, and in 1667 a Commission was formed to consider the nation's accounts. But it was too varied in its constitution; the machinery was inadequate, the system of finance was hopeless. Parliament had made no provision for the King's debts, and their promises to the Crown were unfulfilled. The Commission was set to minimize a muddle which was partly of its own making. As Pepys predicted, it came to nothing.<sup>1</sup>

Late in 1667 a new Commission was formed, which was in its constitution a forerunner of the Royal Commissions of to-day. The Parliament, egged on by Buckingham, again showed a determination to handle the money matters of the kingdom, though they were blind as to the complication of accounts, and factious and niggardly in all their dealings. They attempted too much, and the second Commission was the evidence of their attempt. The members sat at Brooke House, off Holborn, and, armed with full powers, they set themselves to make an exhaustive and business-like inquiry. The men who composed this Commission made a queer mixture. Sir George Savile, whom the King tried to buy with a peerage, and who became Lord Halifax, represented moderation, and was joined with one or two courtiers. The detached party was represented by William Pierrepont, who refused to take his seat until the prorogation, as he declared that the Commission had no power to act until Parliament was prorogued.<sup>2</sup> Lord Brereton, an Irish peer, was a

<sup>1</sup> Pepys's *Diary*, June 5, 1667.

<sup>2</sup> *Sandwich MSS. Journal*, ix. 119. The clause to which Pierrepont objected was—"This act as to the powers of taking and examining of accounts and administering of Oaths to endure for the space of three years from the end of this session of Parliament next ensuing and no longer." The Judges tacitly decided that he was right, and therefore the session of the Commission was premature.

man of integrity, and free from bias. On the other hand, George Thomson, a sectary and fanatic, was one of those who had formerly declared for "King Jesus"; he entered upon his work with zeal, and in a vindictive manner; he was ready to pursue his quarry to the death.<sup>1</sup>

The members of the Commission worked in sedulous fashion, sitting all day, content with "a bit of bread at noon, and a glass of wine." They examined witnesses, and on March 14, 1668, they reported progress to the House of Commons.<sup>2</sup> The Buckingham party, their ardour inflamed, proceeded with an inquiry into the miscarriages of the late Dutch War. They had already attacked Albemarle and Rupert for the division of the fleet in 1666, and had turned on Sandwich over the affair of Bergen, and his absence from the fleet during the weeks which followed Teddiman's failure.<sup>3</sup> But the Commons, led by Secretary Morrice, once the Earl's friend, reserved their most bitter discussions for the old question of the prize-goods. Not only did they drag that to light, but they particularly denied the power of the pardons which had been issued under the Privy Seal. To them the King's interference was a bar to impeachment, and several members were determined to keep their hold upon the hilt of this, the keenest of constitutional swords.

The renewed attacks were at first directed against Sir William Penn, partly, so said rumour, because he had recently been put in command of the fleet.<sup>4</sup> The appointment had enraged Rupert, and the Prince in-

<sup>1</sup> The remaining members were Giles Dunster, John Gregory, Sir James Langham, Colonel Henry Osborne, and Sir William Turner (*Calendar of Treasury Books*, vol. ii., pp. li-liv).

<sup>2</sup> *Grey's Debates*, i. 116.

<sup>3</sup> *Ibid.*, i. 77.

<sup>4</sup> *Sandwich MSS. Letters*, ii. 81.

trigued by way of revenge.<sup>1</sup> His followers attacked Penn, and joined the Buckingham party. They gossiped about the fortune Penn had made, and the large estate which he had settled upon his daughter.<sup>2</sup> The Admiral, who was a member of the House, had to listen while the question of the breaking of bulk was discussed, and in his own defence he denied that he touched or sold any goods until Lord Sandwich gave him the King's warrant.<sup>3</sup> Beyond that, Penn let nothing fall that was of any prejudice to his chief.<sup>4</sup> Before the debate ended, Penn was requested to withdraw, and on April 16, 1668, he appeared in his place to answer the charge.<sup>5</sup> It was then asked whether, since Sandwich gave the order, anything could be done until the Ambassador came home. "Shall we try the accessory before the principal be present?" cried Morrice, and an endeavour was made to include Sandwich in the impeachment. John Vaughan, one of the best lawyers of the time, stood up for the Earl, and would not have him included without hearing him first.<sup>6</sup> The defence sufficed. But Penn was suspended from sitting, and on April 24 he was impeached.<sup>7</sup>

This all took place while Sandwich was in Madrid. The debates alarmed the Ambassador's friends, and Sandwich received a budget of letters calling for his speedy return. The earliest warning came from his friend, Henry Howard.

<sup>1</sup> *Sandwich MSS. Letters*, ii. 110; *Pepys's Diary*, November 15, 1667.

<sup>2</sup> *Pepys's Diary*, April 20, 1668.

<sup>3</sup> *Grey's Debates*, i. 134.

<sup>4</sup> *Sandwich MSS. Letters*, ii. 83; *Pepys's Diary*, December 11, 1667, and February 14, 1668.

<sup>5</sup> *Grey's Debates*, i. 136.

<sup>6</sup> *Ibid.*, i. 141; *Pepys's Diary*, February 23.

<sup>7</sup> *Grey's Debates*, i. 143, 146; *Lords' Journals*, April 24. According to the *Commons' Journals* a resolution referring to Sandwich was adjourned.

"I must confesse," he wrote to my Lord, "I am sometimes in doubt whether to wish you heere or not; our heates and humours are stirred some days soe malicious and with such severity, that nothing seemes to satisfy them, but the totall destruction of some, whose meritts the King was pleased out of his justice to reward; in which number your Lordshipp being most notoriously eminent, gives me cause to apprehend your danger."

Howard then goes on to speak of the "undertakers," who "promised to doe greater matters in Parliament then upon triall they can, who have soe offended and angered the moderate party of the House of Commons, that there is a great scrutiny into their actions and miscarriages, which is the businesse now in agitation."<sup>1</sup> Others wrote to Sandwich in the same strain. "You have many friends," said Lord Crew, "and you have need of them."<sup>2</sup> The house was "mighty vehement," led by the Earl's particular enemies, William and Henry Coventry.<sup>3</sup>

For during Sandwich's absence Coventry had changed sides. He had angered James by the insistence with which he had attacked Clarendon, the Duke's father-in-law, and now Coventry's interest in the navy was on the side of Rupert, and against the "tarpaulins." He attacked Sandwich as well as Penn. Clifford, the Ambassador's colleague at Bergen, warned him that "two brothers and one or two more reflected on him as if it were fit he were sent for home;"<sup>4</sup> and during the debates Clifford spoke "very handsomely and justly" for his lordship.<sup>5</sup> Peterborough told Sandwich that his name had been "much upon the carpet" in the House of Commons, but mainly by

<sup>1</sup> *Sandwich MSS., Appendix*, f. 153.

<sup>2</sup> *Ibid.*, f. 160.

<sup>3</sup> *Pepys's Diary*, February 29, April 16, 1668.

<sup>4</sup> *Sandwich MSS. Letters*, ii. 81.

<sup>5</sup> *Sandwich MSS., Appendix*, f. 157.



means of men who "endeavour their justification by shifting thayr own faults upon another."<sup>1</sup> The prize matter once upon the stage, said Creed, was made opportunity for Lord Sandwich's enemies to compass his mischief. They banded together to get His Excellency recalled in disgrace, his pardon made void, and his lands resumed. Malice, he continued, was a more active principle than love and friendship. In the Commons some were false, divers lukewarm and useless, but several careful and cordial, especially Mr. John Vaughan. Like everyone else, Creed advised an immediate return, as the best way "to scatter all clouds."<sup>2</sup> Lady Sandwich, too, was urgent. "Your enimies cannot soe much desire your coming as your friends doe," she wrote; and she proceeded, in her quaintly-spelled letter, to tell her husband those in whom he might trust.<sup>3</sup>

Before the time of his arrival, the Ambassador's friends were examined over "the damned business of the prizes," and Pepys and Moore prepared the defence.<sup>4</sup> Sandwich had not to face the Commissioners for some months, but in the summer of 1669 they asked for his explanation. He was then conscious of having played so good a part, and was so well treated by the King and the Duke of York, that he looked upon the matter with a certain amount of "security and neglect."<sup>5</sup> His unconcerned attitude may have been due in part to a knowledge of prize-law. Under no circumstances did the prize-money form any part of parliamentary supplies, nor could it be appropriated; any distribu-

<sup>1</sup> *Sandwich MSS. Letters*, ii. 94.

<sup>2</sup> *Sandwich MSS., Appendix*, f. 136; *Letters*, ii. 110, 122.

<sup>3</sup> *Sandwich MSS., Appendix*, f. 130.

<sup>4</sup> Pepys's *Diary*, October 23, 1667. Pepys's own defence is in *Rawlinson MSS.*, A. 174, f. 301.

<sup>5</sup> Pepys's *Diary*, November 16, 1668.

tion was based on prize-law, and upon the will of the executive.<sup>1</sup> Such accounts did not by rights come under the control of Parliament, but in this case the net was widely spread, and forms were overridden.

Although Sandwich went about the business with apparent security and neglect, he was not wholly careless. That he accounted his case of moment may be seen by anyone who turns over his journal. Every question which came from Brooke House was noted down. The Commissioners, armed as they were with considerable authority, asked for his papers; they cross-questioned and bullied his servants, and for some months gave my Lord an anxious time. Pepys cast the blame upon Sir Roger Cuttance, whom he thought had mismanaged the whole affair.<sup>2</sup> Cuttance wrote to Sandwich and begged him to speak on his behalf, but Sandwich was himself one of the accused. He showed a right understanding of those answerable for the intrigue, since he advised Cuttance to ask the help of Buckingham and his friends.<sup>3</sup>

A few weeks later he had to answer for himself. On June 16 he received a letter asking for full particulars as to the goods which were taken from the *Phoenix* and the *Slothony*, the people who took them, and the permission he issued.<sup>4</sup> At first Sandwich sheltered himself behind the King's warrant, and disclaimed any accurate remembrance "of a transaction soe longe ago passed."<sup>5</sup> But the Commissioners were insistent, and demanded his papers. Sandwich excused himself for a time, since by the advice of his physician he was going to Epsom to drink the waters. Again on August 10 he was urged by the Commis-

<sup>1</sup> *Calendar of Treasury Books*, vol. ii., p. lxii.

<sup>2</sup> Pepys's *Diary*, December 27, 1668.

<sup>3</sup> *Sandwich MSS. Letters*, ii. 52-56.

<sup>4</sup> *Ibid.*, ii. 162.

<sup>5</sup> *Ibid.*, ii. 164.

sioners to send particulars ; and the whole case, which had given him such trouble four years previously, was once more opened. The Commissioners asserted that my Lord's warrant had allowed the officers freedom to take what they would ; that spices had by his command been carried on board the *Prince* ; that he did not give any orders to check the embezzlement ; and that he anticipated the King's permission for the distribution.<sup>1</sup>

Before replying Lord Sandwich consulted the Solicitor-General, Sir Heneage Finch, and Finch advised him to demand copies of the warrants which the Commission said they had.<sup>2</sup> But the Commissioners refused this, "as contrary to the rule of their proceedings," and Sandwich had to draw up his defence as best he could. He added nothing to the statements which he had made four years before. He had sanctioned the distribution, so he said, because of the expenses to which the flag-officers had been put, and as a reward for their good conduct. He looked upon his own share as a gift from the Crown, and justified it by the scantiness of his pay, the expenses of entertainment which his rank involved, and the fact that he was "not a saver by anything he had relating to the sea," but was actually out of pocket. He admitted that Howe, his clerk of the kitchen, had brought some spice on board for the cook's use, "when wee had great expense and much company from shore." That Howe brought too much spice Sandwich also admitted, "whereat I was displeased," he adds, "but it being on board and in my store room (as they said), I included that also in the proportion in the King's letter."<sup>3</sup> In short, Sandwich had the same old diffi-

<sup>1</sup> *Sandwich MSS. Journal*, x. 22-28.

<sup>2</sup> *Ibid.*, x. 30.

<sup>3</sup> *Ibid.*, x. 38-54.

culty in excusing himself, and could only do so on the grounds of His Majesty's "good liking" and the King's warrant. He mentioned none and blamed none, and though he was resentful of the annoyance to which he was subjected, he took the burden on his own shoulders. Like most men who are careless and inexact over money matters, he replied in a manner which satisfied himself, but not the Commission.

He sent in his answer on September 10 by his servant, William Ferrers, who thus describes its reception :

"I carryed a letter to the Commissioners at Brooke House, and when they heard I was there they called for me in, so I deliver'd them the letter : after delivery they desir'd mee to withdraw, till they had perus'd it. After perrusall they call'd for mee againe, and in a formall manner putting off their hatts, the Chairman after two or three lofty looks, and wallowings in his Chair began thus. Sir, you are one of my Lord's gentlemen. I replied yes. Then I speake to you in the name of the Commissioners, to tell my Lord Sandwich that these papers did not answer what their letter requir'd, which his Lordship upon second perrusall would easily see, and further, they expected your Lordship should comply with the promise your Lordship made them, which was to send them the copies of your Lordship's Certificates. And after this the Chairman look'd upon the rest of the Commissioners and said, Gentlemen, have you anything more you would have me say ; they answered No. Pray Sir (said the Chairman) doe not fail to tell my Lord what we have said. Answer. I shall not."<sup>1</sup>

This was the last time that Sandwich sent in any papers. The Buckingham faction attacked him, Arlington, and others, in a pamphlet called *The Alarum*, which was scattered among the members on the benches at Westminster, but he had no real need for

<sup>1</sup> *Sandwich MSS. Letters*, ii. 168.

anxiety as to his position. On October 27, before Parliament was again prorogued, the Commissioners issued their report, part of which concerned the prize-goods, and it was stated that the evidence was not yet completed.<sup>1</sup> Sandwich heard the report when it was read in the House of Lords, and he, together with Buckingham, was placed on the Committee of that House told off to consider the accounts.<sup>2</sup> For a time attention was diverted to Sir George Carteret and the accounts of the navy, and Charles decided to hear Carteret at the Council Board.<sup>3</sup> In the following February Sandwich was again pressed for his warrants, which he said were at Hinchingsbrooke. He sent in reply a note of all his goods, and the customs certificate relating to the goods seized at Lynn.<sup>4</sup> The warrants, he said, were mislaid, and he was unable to put his hand upon them. Had he wished to destroy them he could have done so, but he evidently had no thought of so doing, for they are still among his papers. He may have seen that delay would serve. Before the warrants were found, the Commission, born not of the nation, but of faction, was disbanded, and nothing further was heard about the prize-goods.

As far as Lord Sandwich was concerned, the business opened his eyes, and thenceforth he carried himself warily. Though Buckingham had had the grace to speak for him over the matter of precedence, Sandwich thoroughly mistrusted the Duke, for there had been "a wild motion made in the House of Lords by the Duke of Buckingham for all men that had cheated the King to be declared traitors and felons, and my Lord Sand-

<sup>1</sup> *Sandwich MSS. Journal*, x. 64. The official date is October 26 (*Hist. MSS. Comm. : House of Lords MSS.*, Report VIII., p. 129).

<sup>2</sup> *Lords' Journals*, November 6.

<sup>3</sup> *Sandwich MSS. Journal*, x. 98.

<sup>4</sup> *Ibid.*, x. 208, 230-234.

wich was named."<sup>1</sup> He was aware, too, that Buckingham was the main agitator over the prize affair, and he resented the attacks upon his connexion, Sir George Carteret. He hated Buckingham's party, which included his enemy, Prince Rupert, and one of its members, Sir Robert Howard, had been most vehement in his declarations against Sandwich.<sup>2</sup>

Besides the mere personal question, he abhorred that artifice of toleration which Buckingham prescribed for others—the free-thought acceptable to a free-liver. Such dissent was purely destructive and solvent. To Sandwich conformity meant political security; Church and State composed his creed. He feared lest the England, to which he had helped to bring a lasting peace, would be rent by differences. He regarded the country as united; he had disliked the Clarendon Code, but now that it was working he dreaded a resettlement.

In this he was not alone. James supported conformity in preference to dissent, and opposed toleration. And other questions were involved. Buckingham and his friend Lord Orrery—the Broghill of Cromwell's day—were laying about them in all directions. They attacked the Duke of Ormond, a man whose great physical strength and dignified appearance were true indices to his character. He made a fine target for the debauchees; they attempted his impeachment and his life, and ousted him from the Lord Lieutenancy of Ireland.

Round Ormond there clustered a party, composed of the Duke of York and his friends—the Churchmen, who objected to Buckingham's attempts at toleration, the older Cavaliers, and the Clarendonians. These

<sup>1</sup> Pepys's *Diary*, October 5, 1666.

<sup>2</sup> *Sandwich MSS. Journal*, x. 88. See Appendix F.



are the names with which Sandwich labels them, and he gives their tenets :

“(i) That the present Church Government should be stucke close unto : (ii) That the Cavalier Interest should be upheld. (iii) That in order thereunto qualifications should be made that none but such be capable of elections to Parliament or to any places of trust. (iv) To adhere to the Duke of Ormond against all opposition. (v) To prosecute Lord Orrerye as an enemye to the principles aforesaid.”<sup>1</sup>

It was this party which Sandwich favoured, though he took no active part in their campaigns, and in adopting a neutral attitude he did not displease the King. Since Clarendon's departure Charles had had a freer hand. He was increasing in political power and subtlety, and treated politics with unrivalled cynicism and persistence. For him the Buckingham faction was inclined to go too fast, and Charles had no great opinion of the Duke. He had supported Sandwich over the Dutch War, and shielded him from Buckingham's insults. Sandwich frequently saw him—sometimes in private while they discussed remedies, pregnant with “good Bordeaux Clarett wine,” and morning draughts of usquebaugh;<sup>2</sup> sometimes at the Council table; sometimes in the House of Peers, for the King watched every move in the game. The two men had much in common—their love of the sea, their interest in questions of trade. Charles appreciated the Earl's placid good-humour and occasional drollery.<sup>3</sup> He had forgiven the tedium of the report on Tangier, and when occasion offered he made use of my Lord. For, without exception, Sandwich had at this time as good a record as anyone about the Court. He had done solid work, and earned as statesman a niche in political

<sup>1</sup> *Sandwich MSS. Journal*, x. 86.

<sup>2</sup> *Ibid.*, ix. 44.

<sup>3</sup> *Sandwich MSS., Appendix*, f. 161.

places. Yet, owing to his inflexible views upon Church matters, Charles could not closet him with the Cabal. Matters then hatching were secret, and the King realized that Sandwich was too honest for political intrigue. So, despite his position, the Earl was excluded from the innermost counsels.

In reality this exclusion fell in with his tastes. He had no stomach for intrigue, and realized how soon an over-indulgence in party politics unsettled the country. He kept clear of any factious band, and became a spectator. From time to time he jotted down observations in his journals; and though he only touched the work with an occasional hand, he left a few comments which aid a proper understanding of the period.

Most of these comments relate to the winter session of 1669-70. Sandwich was at the time regular in his attendance at the House of Lords, and had been placed on the Committee which sat to consider the burning question of privilege.<sup>1</sup> He was in part responsible for framing a Bill by which privilege was to be defined; the Bill originated with the Lords on constitutional grounds, and as a rival to a resolution, curtailing privilege, which the Commons had framed and presented.

Relations between the two Houses had long been strained over the famous case of *Skinner v. the East India Company*, in which the Lords had claimed original jurisdiction, a right to take upon themselves the functions of a Court of Law: to try causes direct, rather than to exercise their proper function as a Court of Appeal. In November, 1669, when Sandwich was present, the Commons sent up a Bill defining privilege, and Sandwich describes its reception.

<sup>1</sup> *Lords' Journals*, October 19, 1669.

"The Lords house," he says, "upon the first reading cast it out, countinge the whole bill derogatory to their dignity, *and liked it the worse for beinge almost the same in words as the 5th Article of the humble petition and advice to Cromwell*; but cleerely counting it a breach of their Priviledges to have a law for the alteration of their owne Priviledges to beginn any where but in their owne house; Priviledge and Judicature beinge a more inherent Priviledge of theirs then granting of money is to the house of Commons."<sup>1</sup>

During the remainder of the session the House of Commons debated the matter of privilege almost daily; but on December 11 there came an unexpected message from the King, that Parliament was prorogued until February. When the Houses again assembled, Charles endeavoured to bring about a truce between the two, and appealed for unity and moderation. On February 22 he summoned both Lords and Commons to Whitehall, and made them an address. It was suggested that the records of the quarrel should be erased from the Journals of both Houses; and peace was restored.<sup>2</sup>

"Immediately both houses returned to their seates," says Sandwich, "and the house of Commons presently concurred with his Majesties desire and voted a rasure of all former proceedings in that businesse (but still preserve the Kinge's speech and the vote of rasure upon their Journall). And forthwith the same morninge went with their Speaker before them, on foote through all Westminster to Whitehall to present their vote unto the Kinge with humble thanks for his soe gracious finding out a way of composinge that occasion of difference. And after they had delivered themselves as aforesaid, the Treasurer of the King's household went with them into the King's cellar, where they dranke healths to the good Correspondence."

<sup>1</sup> *Sandwich MSS. Journal*, x. 91 (Appendix G).

<sup>2</sup> *Commons' Journals*, February 14 and 22.

But the Lords were gloomy, and in their Journals the story is told by rows of asterisks. Sandwich, however, has left a vivid picture of their dissatisfaction.

"The house of Peeres at their returne," he says, "shewed more discontent in their faces then has ordinarily beene seene. Besides the dishonor of their retracting their judgements, and also the doubtfulness whether this dishonorable action of the Peeres would cure the contention betweene the two houses because it was but the vacating one particular judgement, whereas the H. of Commons insisted upon an act of Parliament to declare against our jurisdiction in Originall Causes."

He proceeds to discuss the legal aspect of the erasure, on which the House went into "a grand Committee," in order "that every man might have his full freedome of speech."

"There it was said that the house of Peeres had a double capacitye; viz: 1. Supreme Judges in civill and criminall, 2. Greate Councillors of the Kinge.

"That therefore as greate Councillors wee should prefer the peace of the Kingdome and its welfare, before law and method, and be governed by Prudence. (Under this consideration came in the Terror of the house of Commons beinge determined to see this priviledge of ours declared against and the common people also shrewdly entered into the same account. The hard Game wee should have to assert our owne authority whilst the Kinge remained Indifferent betweene us and much greater difficultyes if wee should disoblidge the Kinge after he had advised us unto this and desired it from us for publike good.")

After a lengthy discussion the Lords voted for the erasure. Then Sandwich continues:

"The common people in London expressed joy at this union (as they call it of the houses) by Bonnefires at night.

"Next morninge the Committee of Lords for inspection and correcting of the Journall did the execution of

razure upon all that might continue the memory of Skinner's businesse.

"But the house was much discontented to heare the house of Commons continued the King's speech and vote of razure upon their bookes, whereby the memorye of this unkindnesse and dishonor would remaine to Posteritye, and some would have sent to the house of Commons to have expunged them also. But it was resolved to take [? no] notice of their actions upon the Ground that their Journalls are no records. To remooove this Jealousye the house of Commons have razed it also from their Journall, voluntarily " <sup>1</sup>

The settlement of the quarrel lasted for a time, and Sandwich turned to matters other than politics. He contented himself, in the main, with recording certain debates in the House of Lords.<sup>2</sup> The comments which he made are important, but they are fragmentary, and do not indicate that he took any particular share in party work. He was an administrator and a diplomatist rather than a politician. He was unsuited to intrigue, and from 1670 until his death he held a position well suited to his temperament and abilities.

<sup>1</sup> *Sandwich MSS. Journal*, x. 196-204. (His statement that the House of Commons erased the speech is not correct.)

<sup>2</sup> See Appendices to this volume.

## CHAPTER XIV

### THE COUNCIL OF PLANTATIONS<sup>1</sup>

“Gave I good counsel, wouldst thou welcome it?”

EURIPIDES: *Hippolytus*.

THE tenth volume of my Lord's journal, on which this chapter is based, contains ample matter, but of all the volumes it is the least orderly. The material, however, can be arranged under well-defined heads: the first, political and personal; the second, that relating to the colonies; and the third, the renewal of the disputes between the Lords and Commons. The volume is of remarkable interest, for during the last two years of his life Sandwich held a position of great importance, which enabled him to serve his country upon a straight road, and only upon a single occasion was he forced into the paths of political controversy.

The first of the personal notes in this volume relates to one who had been to Sandwich both colleague and

<sup>1</sup> Authorities: *Sandwich MSS. Journal*, vols. ix., x., contain a large amount of original and collected matter relating to the colonies; *Carte MSS.*; *The Calendar of State Papers (Colonial)*; *The Acts of the Privy Council*, vol. i. (Colonial series), edited by W. L. Grant and James Munro; John Evelyn's *Diary*; C. M. Andrews, *British Committees, Commissions, and Councils of Trade*; P. L. Kaye, *Colonial Administration under Clarendon*; H. L. Osgood, *The American Colonies in the Seventeenth Century*; J. A. Doyle, *The English in America*; J. G. Palfrey, *History of New England*; W. D. Christie, *Life of Shaftesbury*; G. L. Beer, *Early English Colonial Movement (Political Science Quarterly, 1908)*; *The Commercial Policy of England*, etc. (Columbia College Studies, vol. iii.); *Journals of the House of Lords*; *Journals of the Commons*. Other authorities are mentioned in the footnotes.



opponent. The entry of a new year, 1670, was marked by the death of the Duke of Albemarle, and a few weeks later his wife died also.

"It is certaine," says Sandwich, "that she had another husband living when she married the Duke of Albemarle in the Tower, and [that he] continued alive after her death, and I am told they gave him two or three hundred pounds a year to stop his mouth from clamour. The present Duke was begotten before wedlocke with the Duke."

Albemarle, he adds, left a large fortune in lands, £13,000 a year, £90,000 in ready money, £50,000 in jewels, and the Duchess had, "unknowne to him," another £50,000. "The Kinge resolved to bury him magnificently at his owne chardge, Cost, £6,000."<sup>1</sup>

In May of the same year Sandwich went over to Dunkirk, and thence brought Madame, the King's sister, with the Treaty of Dover safely stowed away in her satchel. With Sandwich there went Lord St. Albans, and the talk of the two men turned upon the days which preceded the Restoration. St. Albans told Sandwich how Mazarin had intended, through Richard Cromwell, to bribe the garrison of Dunkirk, to offer Mountagu money and ports, and to buy over Henry Cromwell, and how Hyde objected to a restoration brought about by French aid and by the help of the Queen-mother. Such conversations served to while away the brief journey, and on May 14 Sandwich writes :

"After sunsett, Madam arrived in Duynkirke and her Traine. I perswaded her to lett her Traine embarque all night after three o'clocke (when the tyde served) and her selfe in person to be on board the Yaght, in the Splinter roade, at 7 the next morninge,

<sup>1</sup> *Sandwich MSS. Journal*, x. 99, 100 ; and see p. 141, *ante*.

which was accordingly performed. Madam with some sixty of her traine came aboard the *Ann Yaght* where I and my Lord of St. Albans went also; Monsieur de Plessis le Marishall and his people had the *Merlin Yaght* and the *Avise* in the road had neere 100 persons in her passengers, and the *Guernsey* eighty. Wee presently weighed ancor and sayled, and with the Help of Towinge of boates and other advantages we gott cleere of the Splinter that tide, the wind being S.W. *Sunday* 15. By Breake of day wee were betweene Dover and the lights a league off shore, where the Kinge my master came on board us and carried Madam ashore to Dover."<sup>1</sup>

On this voyage, Edward Mountagu, Earl of Sandwich, Knight of the Garter, Vice-Admiral of England, and Admiral of the Narrow Seas, was in distinguished company. He conversed with the Marshal du Plessis, the famous Count Gramont and his wife, the Bishop of Tournai, and a train of nobles such as have rarely landed in England. On Whit-Sunday the King and all the Knights of the Garter, clad in their picturesque robes, attended the parish church at Dover. Only James, Duke of York, was absent. He had gone "post to London to assist the Mayor there against the fanatics if there should be occasion, this being the second Sunday after puttinge in execution the act against them."<sup>2</sup> On June 2 Sandwich again took ship, and escorted Madame back to France. She gave him as a parting gift two magnificent diamond rings, and distributed a largesse of gold among the captains and men of his fleet. Within three weeks he heard of her tragic death.

Of the treaty she had brought with her, Sandwich knew nothing. Yet while in Spain he had obtained a hint of the true state of the relations between

<sup>1</sup> *Sandwich MSS. Journal*, x. 274.

<sup>2</sup> *Ibid.*, x. 276.

Charles II. and Louis XIV., for on April 25, 1668, the following entry occurs in his journal :

"About this time here hath runn a report (which I believe not to be true) that the King of England should be going about to master his parliament and make himselfe absolute by force of Armes, and that England should againe embrace the Roman Catholique religion. That the King of France should help the King of England with an army, and that the Pope gives the third part of the ecclesiastical revenues of France to the French King to contribute towards the charge."<sup>1</sup>

Sandwich disbelieved the Spaniards' gossip. He had no suspicion of political intrigue averse to the nation. He could never have realized that Charles had agreed to avow his conversion to the Romish Church, and that Louis was to provide the means. And my Lord was not the only one who was hoodwinked. Buckingham was equally in the dark; it was in part the Duke's interference with accounts, and the parsimony of Parliament, which had forced Charles to betray his country. Meanwhile Buckingham was allowed to play at treaty-making with France, a toy designed to amuse him while the real agreement was framed.<sup>2</sup> Not until two years had elapsed were the eyes of our statesmen open to the import of the Treaty of Dover.

A few weeks after his return from this voyage of escort, Sandwich at length found a post which fell in with his liking and ability, and was the direct outcome of some work he had been doing since his return from Madrid. Though he was not one of the inner ring of advisers, he was frequently called to the Privy Council. At that time the work imposed upon the Councillors was of importance; they had more to do than to don a

<sup>1</sup> *Sandwich MSS. Journal*, vii. 326.

<sup>2</sup> Mignet, *Négociations*, etc., iii. 51.

uniform at an accession or a coronation. They were called upon to repair the ravages of war, plague, and fire. Committees, each consisting of about a dozen members, were formed to deal with matters as diverse as foreign affairs and the rebuilding of London.<sup>1</sup> In 1668 the Committee for the Business of Trade and Plantations was reorganized and enlarged; new instructions were issued on October 20, a date coincident with the return of Sandwich from Spain. His name was soon added. The official date of his patent is March 5, 1669;<sup>2</sup> but his papers show that he attended the Committee for Trade at least two months earlier.

Since most of the proceedings have been lost or purloined, in common with many State papers, there is cause for gratitude to Sandwich in that he kept even an intermittent record. The full instructions of the reconstituted Council have hitherto eluded historians, but Sandwich obtained an abstract, and kept it among his papers.<sup>3</sup>

Of the meetings held by the Council, Sandwich gives a few particulars. He was present on January 15, 1669, when a treaty with Savoy was discussed; but the Committee for Trade reported upon this in a lukewarm fashion; they preferred to dwell upon the strategical advantages of Leghorn, a place "convenient for us in case of warr," and to consider the treaty rather on this account.<sup>4</sup> Sandwich also took part in discussions upon a matter which more nearly concerned him, because of

<sup>1</sup> The list of the Commissioners is printed by Professor Andrews from the *Egerton MSS.*, 2543, f. 205. In the *Carte MSS.*, 72, f. 615, there is another list of these Standing Committees of the Council, which contains some important variations from that in the *Egerton MSS.*

<sup>2</sup> *Cal. S. P., Dom.*, March 5, 1669.

<sup>3</sup> *Sandwich MSS.: Collection of Treaties*, f. 93. The abstract is printed as an appendix to this volume (Appendix B).

<sup>4</sup> *Sandwich MSS. Journal*, ix. 90.

his work in Spain. The buccaneers of Hispaniola had been particularly active against the Spaniard, and the Governor of Jamaica, Modyford, armed "with power to grant commissions to private men of warr," connived at their piracies and encouraged them.<sup>1</sup> Jamaica was their refuge. The gains were sent to Modyford's partners, "whereof the Duke of Albemarle is said to be a chief one."

"This sweete Trade of Privateering" was at its height while Sandwich was in Spain; he had implored the home government that it should not be countenanced, but neither the Duke of York nor Albemarle took any heed of his request. When the Treaty of Madrid was made, Sandwich was naturally keen on its observance, and desirous that the terms should be carried out. He maintained that the treaty was universal, and that the West Indies were not excepted. He had obtained a clause to that effect by his "owne choise and dexterity," and had persuaded the Spaniards to acknowledge our rights over Jamaica.<sup>2</sup> Some of the Council argued that a series of depredations, of which both sides were equally guilty, had not been made a cause of war; and that from the time of Elizabeth onwards, the English had regarded the Indies as fair-play, upon the principle that "where no commerce is, there is warr." At first Sandwich did not get his way, but in the next commercial treaty with Spain—an appendix to the Treaty of Madrid—the Indies were at length included in the peace.<sup>3</sup>

The large and intermixed Council for Trade and Plantations was too unwieldy, and an important change was made. Charles II. had inherited a proper

<sup>1</sup> For Modyford's explanation see *Cal. S. P., Col.* (1669-1674), §§ 103, 276.

<sup>2</sup> *Sandwich MSS. Journal*, ix. 98-104.

<sup>3</sup> The treaty was signed on July 18, 1670, and was framed by Sandwich's friend and successor in Madrid, Sir William Godolphin.

respect for affairs of trade, and he had as his adviser Anthony Ashley Cooper, now Lord Ashley. This man took more than a passing interest in colonial affairs, and he had the inestimable advice of John Locke. Ashley was one of the owners of the Bahamas, he was concerned in the Company of Royal Adventurers, and was an original shareholder in the Royal Mines.<sup>1</sup> To him trade was more than a mere political plaything. He brought forward a scheme for the establishment of a Select Council for Foreign Plantations. The Instructions and Commissions were issued on July 30, 1670, and a further set was added some days later.<sup>2</sup> The system of voluntary service came to an end, and salaries, which set up a new standard of industry, were given as compensation for the frequent sittings.

The choice of a President for the new Council fell upon Lord Sandwich, who was admirably fitted for the post. He had, like Ashley, a share in the Cardigan Mines, an interest in the Guinea Company and in the Company of Merchant Adventurers. His knowledge of colonial affairs and administration extended over fifteen years. During the Protectorate he was an active member of Cromwell's Commission for Affairs of Trade, and thus became accustomed to deal with colonial administration.<sup>3</sup> At the Restoration he was placed on the Committee of Plantations, and on the Commission which dealt with the Newfoundland Fisheries.<sup>4</sup> For the past eighteen months he had been a prominent member of the Committee of Plantations, and he sat upon another Committee, appointed by the

<sup>1</sup> *Sandwich MSS.*, *Appendix*, ff. 57, 70.

<sup>2</sup> Andrews, *British Committees*, p. 117, where the Instructions are printed in full.

<sup>3</sup> *Carte MSS.*, 74, f. 9; *Cal. S. P., Col.*, *passim*.

<sup>4</sup> *Acts of the Privy Council (Colonial)*, §§ 491, 572, 610.



Lords, to consider the decay of trade.<sup>1</sup> His experience was extensive, and he was the one statesman who, in recent times, had negotiated a commercial treaty. His work at Madrid gave him an insight into colonial affairs, and disputes over shipping, such as no other Councillor could command. He had had two years of bargaining over international rivalries, and returned to England with a reputation for industry and knowledge. He made an admirable chairman. He had chattered with the leading diplomatists of his day, and knew how to command attention. He was dignified in appearance, weighty in manner, precise in the conduct of business.

The Commissioners joined with him included Richard, Lord Gorges, the heir of Ferdinando Gorges, proprietor of Maine; Lord Alington; Thomas Grey of Werke; and Edmund Waller, the poet. A few months later John Evelyn was added to the board, and the Duke of York, Prince Rupert, and a few figure-heads, were thrown in.<sup>2</sup>

The first meeting took place on August 3, at Essex House, Temple Bar. There Sandwich swore the oath of fidelity and secrecy, and administered it to the various members present. At first the sittings of the Council were held there, and at Stafford House, but in 1671 a move was made to the Earl of Bristol's House in Queen Street, Lincoln's Inn Fields. The place was fitted with all the panoply of a government office. The Council "had a formal Board with Green Cloth and Standishes, Clerks good store, a tall Porter and Staff, and fitting Attendance below, and a huge

<sup>1</sup> *Lords' Journals*, October 25, 1669; *Hist. MSS. Comm.*, Report viii., p. 133.

<sup>2</sup> The list is given in Andrews, *British Committees*, pp. 97, 98, but some names are omitted (see Appendix C). The salary of the President was £700 per annum, and the rest of the paid members received £500 (*Treasury Books*, January 23, 1671). Sandwich retained in addition his salary of £500 as Admiral of the Narrow Seas.

Luminary at the Door. And in Winter Time, when the Board met, as was two or three Times a Week, or oftener, all the Rooms were lighted, Coaches at the Door, and great passing in and out."<sup>1</sup> The rooms were furnished with rich hangings which belonged to the King; atlases, maps, charts, and globes, were placed ready for use.<sup>2</sup> Every facility was given to the Council, and business was conducted in a proper fashion.

From the time of the first meeting, the Council had abundance of work in hand. Their instructions were comprehensive, asserting in the first place the promotion of colonial welfare, and the necessity for the protection and defence of the colonies. It was the business of the Council to set on foot an inquiry as to colonial administration, especially with regard to the behaviour of the various Governors. The proper treatment of the natives was considered. Manufactures, farming, and cattle-breeding, all received attention. The growing of naval stores, hemp and flax, the cutting of masts, the production of pitch and tar, came under their control. The colonies needed servants and slaves, but it was affirmed that no British subject was to be transported. The effects of the Navigation Act were weighed. Charters and laws were examined; maps of the country and charts of the coast were registered and kept. Pious and learned ministers were bidden to propagate the Gospel, preach to the Indians, and reform the debaucheries of planters and servants alike.

<sup>1</sup> Roger North, *Examen*, p. 461. Since the house mentioned is in Queen Street, this description may serve for the Council of 1670, to which it not improbably alludes.

<sup>2</sup> Evelyn's *Diary*, May 26, 1671. But see Andrews, *Committees*, p. 98. He mentions the absence of maps, but Sandwich certainly had some. He says, "I have traced out the bounds of the Province of Mayne, of Mason's patent, and of the Massachussetts in my Italian maps of the Duke of Northumberland's" (*Sandwich MSS. Journal*, x. 383).

This wide field is by no means covered either by the presidency of Sandwich or by the papers in his journal. The Council at first took soundings ; information was collected, but little administration was done. The new President's tenure of office lasted less than two years. During that time he was assiduous in his attention to colonial affairs. He collected papers, obtained evidence, studied maps and boundaries, and transcribed abundance of matter into his journals. He was always at pains to inform himself of the true state of affairs. But his administration of the colonies was incipient. He had to pick up the skeins as they lay in the loom, and did not see the tapestry woven. He left a few notes on questions, then unsolved, and the casts of a few opinions.

Of the difficulties which attended the colonial problem Sandwich was well aware. He was steeped in the theory of mercantilism, and was prepared to uphold the Navigation Act. Our rivals were excluded from our colonial trade, and such industries as clashed with the mother-country were rigidly suppressed. But we gave the colonies something in return. Whilst we encouraged the growth of tobacco in Virginia, we sent troops of horse to trample down the tobacco harvest in Gloucestershire and Kent.<sup>1</sup> The Commons brought in a Bill "to prevent the planting Tobacco in England and Ireland, and for encouragement of the English plantations."<sup>2</sup> The ruling theory of colonial trade was an actual exchange of the commodities best fitted, but the mother-country dictated both the commodities and the terms. It was one of the "maxims" observed by the Council of Trade, "that whatsoever contributes to the exporting thinges of English growth

<sup>1</sup> *Acts of the Privy Council (Colonial)*, p. xxiii.

<sup>2</sup> *Commons' Journals*, March 7, 1671.

or manufacture in greatest quantity is best for England."<sup>1</sup> Living at the time he did, Sandwich could hardly be a great reformer, but there are indications that his outlook was more liberal than that of many of his contemporaries. He proposed more subtle methods of contenting the colonists, and objected to the use of force.

The severe and maternal attitude of England was not incomprehensible, since the plantations were regarded as Crown property. The Crown possessed their lands, and granted leases to companies or persons; but the rights of the Crown were vague, and extended to interference rather than supervision. Under such conditions fitful complaints were sometimes heard. There was an uneasy feeling on either side the Atlantic that all was not well. The mother-country had an inkling that her authority was strained; the colonies sought precision in the statement of their rights: yet in the later seventeenth century the shackles of mercantilism were still accepted, and neither side wished to sever the links which bound Old and New England.

That which made the colonial problem one needing a careful hand was the temper of the colonists themselves. Independence was the reason of their existence. As each State was constituted, it had a charter which gave a monopoly of trade, security against foreigners, and kept for England a vague right of intervention. Each colony had its own Governor, its own Council and Directors. They ruled, made laws, levied fines, and imprisoned; in some cases martial law was theirs, and the power of life and death. The Pilgrim Fathers, who had endured exile for conscience' sake, had handed on a great tradition. Their descen-

<sup>1</sup> *Sandwich MSS. Journal*, ix. 138.

dants were as men who wore the breastplate of righteousness, and whose feet were shod with the preparation of the gospel of peace. Blasphemy, Sabbath-breaking, and the drinking of healths, were punished by law; dicing and dancing were a disgrace. The franchise was frequently founded upon a religious test. This brought about some disagreement, and, since each Government was mightily jealous of its neighbours, the Council of Plantations had no easy task in balancing the scales of justice.

The chief trouble lay in the attitude of Massachusetts. By virtue of seniority she took the lead. Her power was considerable. She had waged war against aggressive natives, and in time of danger the smaller States looked to her for protection. It was in Massachusetts that the first signs of independence were made manifest. It was in the town of Salem that the cross of St. George, a relic of Antichrist, had been effaced from the British flag. It was in Boston that the first coins were minted, and a royal prerogative was thus infringed. It was Massachusetts who continually asserted her charter rights. The fugitive regicides had found safety within her borders; and her enemies reported that it would prove a hard task for England to reconcile this independence with the newly restored monarchy.<sup>1</sup>

The final volume of his journal shows that Sandwich had a full appreciation of the difficulties which surrounded colonial government. His papers deal at some length with a commission which had been sent out within recent years. The Restoration was marked by a revived attention to colonial affairs, and the calm which New England had enjoyed, while Cavalier and Roundhead settled their differences, came to an end.

<sup>1</sup> *Cal. S. P., Col.*, March 11, 1661, § 45.

As soon as opportunity served, Clarendon drew the colonies into the scope of his administration.<sup>1</sup> In particular he turned his attention to Massachusetts, the revision of her boundaries, her political rights, her laws, and her militia. In 1664 he sent out Commissioners to urge toleration towards certain sects, and to see that the Act of Navigation was punctually observed.<sup>2</sup> A secret set of instructions bade the Commissioners try to bring about greater loyalty of feeling. Such service demanded infinite tact and delicacy, and the men chosen for the mission were not such as commended them to their Puritan cousins: "though very worthy and able, and faithfull servants of his Majesty," says Sandwich, "yet were diametrically opposite to the Temper of that people."<sup>3</sup> One was deficient in tact, another an avowed opponent of Massachusetts, a third scandalized the New Englanders by his open debauchery.<sup>4</sup> One man, Richard Nicolls, was acceptable, but he alone could not suffice to give dignity and authority to the commission, which the people of Massachusetts considered "would end in the subversion of all."

Such an obdurate attitude on the part of the colonists boded trouble. When the Commissioners came to Boston, they met with neglect which bordered on hostility. Over the boundary question, said Nicolls to Sandwich, the colonists were "not over stiffe"; but when it came to the Commissioners hearing an appeal, "the Government of New England caused a publique proclamation to be made in the towne, and before the place they sate in, that noe person should

<sup>1</sup> P. L. Kaye, *Colonial Administration under Clarendon*.

<sup>2</sup> *Cal. S. P., Col.*, April 23, 1664, §§ 705-727.

<sup>3</sup> *Sandwich MSS. Journal*, x. 436.

<sup>4</sup> The Commissioners were George Cartwright, Samuel Maverick, Sir Robert Carr, and Richard Nicolls.



dare to appeare, or to come before them. And soe the Commissioners and the Government broke one with the other, and they went away from Boston to other Colonyes."<sup>1</sup> Their work was futile, and they left behind them a legacy of irritation.

The Commissioners returned to England in 1665. For a time the Dutch War, the Plague, and the Great Fire, diverted the attention of the Government from colonial matters. But the reconstituted Council of Plantations was soon concerned with New England. They were alarmed at the strength of Massachusetts and its signs of independence. His Majesty, says Evelyn, "commended this affair more expressly. We, therefore, thought fit, in the first place, to acquaint ourselves as well as we could of the state of that place, by some whom we heard of that were newly come from thence."<sup>2</sup>

The matter which most prominently engaged the attention of the Council was the aggressive attitude of Massachusetts with regard to the extent of her boundaries and jurisdiction. Away to the north-east of New England lay the province of Maine, which had been granted by royal charter to Ferdinando Gorges and his heirs for ever. In the years of civil war the royalist interest had taken Gorges to England, and there he died. His colony fell into disorder, and, in the cause of good government, Massachusetts assumed authority; but at the Restoration the rightful heir petitioned the Crown, and proprietary government was restored. The same thing happened in New Hampshire, where Massachusetts had infringed the patent of Robert Mason. During the years which

<sup>1</sup> *Sandwich MSS. Journal*, x. 422.

<sup>2</sup> Evelyn's *Diary*, May 26, 1671. Those who gave information were Major Rainsborough, Colonel Nicolls, Mr. Phillips, Colonel Cartwright, Colonel Middleton, and Major Scott (*Sandwich MSS.*).

elapsed between the commission of 1664 and the formation of the new Council, Massachusetts had once more overridden proprietary rights. In 1668 she was again paramount. Upon petition of a section of the inhabitants of Maine, she resumed her jurisdiction, and appeared about to annex her smaller neighbours.

As soon as the Council of Plantations got to work, Gorges and Mason resumed their petitions. The Council took up their appeals and prepared to deal with them. In order to do this efficiently, several meetings were occupied in taking evidence, and on July 12 a report was prepared for the King, suggesting that the boundary question needed investigation.<sup>1</sup> A few days later Sandwich received a paper from one, Mr. Phillips, of the province of Maine, which indicated a possible line of solution.<sup>2</sup> It was suggested that the proprietary patents should be united and placed under royal authority, the Crown thus gaining from their trade in fish, timber, furs, minerals, and naval stores. The land tenure should be simplified, and the land held from the Crown. As for Gorges and Mason, they could be reasonably compensated. Major Rainsborough, in a lengthy private conversation with Lord Sandwich, gave similar advice. The King, said he, should take up an interest in the colony, provide it with a Governor, and share the profits with Gorges. "The people of Mayn," he added, "would acquiesce also in it, and be very willing to be parted from the Boston Government, and have one of their owne."<sup>3</sup>

The sympathy extended to Gorges and his claim was in reality an attempt to check the growing power of Massachusetts. It was part of a scheme by which

<sup>1</sup> *Cal. S. P., Col.* (1669-1674), §§ 150, 439, 593, etc.

<sup>2</sup> *Sandwich MSS. Journal*, x. 386.

<sup>3</sup> *Ibid.*, x. 408; see also Evelyn's *Diary*, July 4.

the colony should be "streightened and environed on all sides with a loyall people."<sup>1</sup> They were too strong for coercion, and Sandwich, in considering the situation, trusted to prevent their growing power "by Policye and faire meanes." He desired that their patent should be defined; "to confine and retrench those unlimited bounds they have sett unto themselves by the extravagant interpretation of words in their pattennt whereby they fetch in all the country to the Norwards as farr as Nova Scotia, and cutt off New Albany from the Duke of Yorke's country to the Southward."<sup>2</sup> He also desired that the private patents, Mason's, Gorges', and the Duke's, should be vested in the King under a Governor or Commissioner. Not only did he desire this upon the grounds of policy, but because the King would thereby obtain a land, rich in naval stores, and extensive mining interests. "There may in tyme," he said, "also be raised some revenue out of vacant grounds and woods, and the ground rent of saw mills . . . and some duty might hereafter be raised also out of the fishing trade."<sup>3</sup>

Such were the opinions which Sandwich set down in his journal. When he deemed that sufficient information had been collected, he drew up his thoughts upon the whole business. He felt that the people of New England were "likely (if civil warrs or other accidents prevent them not) to be mighty rich and powerful and not at all carefull of their dependance upon old England." He then dwelt upon the inconveniences of independence. He feared the growth of colonial manufacture, lest a market for cloth and commodities should be lost, and because of the rivalry of America in our other markets. Particularly was

<sup>1</sup> *Sandwich MSS. Journal*, x. 408.

<sup>2</sup> *Ibid.*, x. 432.

<sup>3</sup> *Ibid.*, x. 434.

Sandwich jealous of American trade in the Caribbees and in Jamaica. For, said he, "New England serves them with provisions and all wooden utensills, much cheaper than any others can." He saw that the time would come when our colonies would rival us in every branch of manufacture.<sup>1</sup>

"I conceive it impossible," he writes, "to prevent wholly their encrease and arrivall at this power, neverthesse I thinke it were advisable to hinder their growth as much as can be." He then set down the methods which he proposed to use. In the first place he would have endeavoured to check the movement, now known as the "export of human capital." He would have had a law passed by which emigration was dependent upon royal licence. And, further, he wished to depopulate New England, and encourage the people to migrate thence to the southern plantations, "where the produce of their labours will not be commodities of the same nature with old England to out trade us withall."<sup>2</sup>

The author of these proposals was conscious of their difficulty. "I take the way of roughnesse and peremptory orders, with force to backe them, to be utterly unadviseable," he says. Evelyn tells us how, when Middleton assured the Council that Massachusetts might be curbed by a few of His Majesty's first-rate frigates, "my Lord President was not satisfied."<sup>3</sup> Truth to tell, Sandwich confessed them already too strong to be compelled; "if wee use severity towards them in their Government, civill or religious, they will (being made desperate) sett up for themselves and

<sup>1</sup> *Sandwich MSS. Journal*, x. 430. He owed some of his ideas to Benjamin Worsley (*Sandwich MSS. : Treaty Papers*, f. 87), but he is not the only Minister who was indebted to his subordinates.

<sup>2</sup> *Sandwich MSS. Journal*, x. 430. (See Appendix K.)

<sup>3</sup> Evelyn's *Diary*, August 3, 1671.

reject us.”<sup>1</sup> He preferred more subtle influences. “The well ordering of the printing-*presse*,” he suggested, “and dispersing orthodox bookes, poetry and common Ballads might be of good use in New England.”<sup>2</sup>

For the furtherance of their plans, the Council determined to begin with a commission, and the entries in his journal indicate that Sandwich ordained the line which the Commissioners should take up. In contrast to the commission sent out in 1664, only two men were to be selected at home, “to joyne with two more chosen out of New England.” Their powers were not discretionary, their instructions were not elaborate. Their only ostensible business was the settlement of the boundaries of Maine. “Other private directions they might have, to guide their deportment for the King’s service in the matter of religion, and admission of persons to the freedome of the Countrey;” they could also strengthen the adherence to the Navigation Act, encourage the loyalty of Rhode Island and Connecticut, and thus balance the power of Massachusetts. On one point Sandwich was insistent: he affirmed that the Commissioners should possess the qualifications of fidelity to their “ends and designe”; and be men of “prudence and sobrietye, such as may be of esteeme in that countrey and by no means averse to them.” From such men he hoped much, and not a mere repetition of the blunders of 1664. Men well informed of the nature of New England affairs could give the Council, as he said, “a better ground to proceed upon than anything wee have now before us.”<sup>3</sup>

The sending of a commission was planned in July, 1671; “the case of New England,” wrote Sandwich,

<sup>1</sup> *Sandwich MSS. Journal*, x. 432.

<sup>2</sup> *Ibid.*, x. 408.

<sup>3</sup> *Ibid.*, x. 436.

"admitts of noe delay or temporizing without applieng this kind of remedie." Shortly afterwards the business was discussed at a full meeting of the Council.<sup>1</sup> Some were for rash action, and it was then that Sandwich exhibited his conciliatory attitude towards New England. His counsel was good, his moderation well advised. He was obstinate as well as prudent, and could keep the hot-heads of the Board in their proper place. He prevented the idea of curbing New England by frigates; and when the plan of the commission was drafted, the temperate tone was no doubt due to his endeavours.<sup>2</sup> But the Commissioners were not dispatched during his lifetime, and his administration remains incomplete. Had he been spared, he would doubtless have done much to alleviate colonial differences, for under him the Council of Plantations was industrious, sensible, and efficient.<sup>3</sup>

This connexion with plantation affairs forced Sandwich into the quarrel between the Lords and the Commons which broke out in 1671. The two Houses had barely compromised over the question of privilege, before they were divided over the more troublesome problem of finance.

The proposed taxes, "towards His Majesty's supply," were brought in during November, 1670.<sup>4</sup> A long list of impositions was suggested, upon articles as varied as salt and silks, prunes and German calicoes, mum and foreign soap. Most of these duties were passed by both Houses, but to one in particular an objection was lodged by the Lords. This was the rate of

<sup>1</sup> Evelyn's *Diary*, August 3, 1671. Unfortunately, Sandwich concludes the tenth volume of his journal in July, and the eleventh volume was lost at the time of his death.

<sup>2</sup> *Cal. S. P., Col. : America*, etc. (1669-1674), § 598.

<sup>3</sup> See Andrews, *British Committees*, etc., p. 97.

<sup>4</sup> *Commons' Journals*, November 26, 1670.



imposition upon white sugars, which seemed to press unduly upon the planters. They had lately taken to refining their own sugars, and were endeavouring to nurse an infant industry. The Lords therefore "voted ease to white sugars of our owne plantations as also to those of Portugall."<sup>1</sup> The subsidy Bill thus amended was returned to the House of Commons. Instantly a dispute began, not upon the expediency of the tax, but upon the right of the Lords to meddle with matters of finance.

The plan for amendment was largely the work of Sandwich, though he acted in consultation with Ashley. Directly the Commons imposed a heavier tax upon white sugar than upon brown, the planters were up in arms. They began by a petition to the Council of Plantations, which came before Sandwich as President. "But wee of that Councill," he says, "were cautious not to meddle with a matter depending in Parliament, and therefore left the Petitioners to complaine and shew their grievances to the Parliament."<sup>2</sup> At the same time Sandwich applied himself to the "studdy and canvassing of the matter." First he consulted the King, "because his Majestie's revenue was concerned in the case." The King expressed a desire that the plantations should not be prejudiced, and gave Sandwich permission to review the business. To Sandwich the welfare of the plantations was of the greatest moment; he ignored the constitutional question, and, as he said, "went with full sayle accordinge to my Master's service and the leave he had given mee."<sup>3</sup>

The management of this question was an addition to a heavy burden of work. During the early months of

<sup>1</sup> *Sandwich MSS. Journal*, x. 352.

<sup>2</sup> *Ibid.*, x. 358.

<sup>3</sup> *Ibid.*, x. 360.

the year Sandwich was most assiduous in his attendance at the House, and he was frequently to be seen hurrying along the corridors. He was on various Committees, such as those which sat upon the questions of certain Crown Lands, the Growth of Popery, the Exportation of Wool, and the Bill for the Better Regulating of Workhouses.<sup>1</sup> When the Subsidy Bill came up to the Lords he was present at most of the discussions. On March 27 the Commons sent up a list of imposts on foreign commodities, and for the encouragement of the manufactures of this kingdom, "to which their Lordships' concurrence was desired." This was the Bill round which gathered the cloud between the Houses. At the second reading, two days later, Sandwich was placed upon the Committee to consider the Bill, and to draft any necessary amendments. The case of the imposition upon sugar was fully discussed. Both the planters and refiners were heard, and numbers of papers were laid before the House.<sup>2</sup> After a week's work the Committee resolved upon a fractional reduction of the tax levied on white sugar. Sandwich was then asked to draw up their reasons for the amendment.<sup>3</sup>

From the economic point of view, he took up an attitude consonant with the ideas of the times and with his presidential position. He inclined towards the planters. He was supported in this by Benjamin Worsley, the adviser to the Council of Plantations. Worsley's paper of information for Sandwich is headed,

<sup>1</sup> *Lords' Journals*, February to April, 1671.

<sup>2</sup> The papers were both written and printed. Several are in the *Sandwich MSS. Journal*, vol. x. Those in the various State Papers are numerous. Cp. *Cal. S. P., Dom.*, 1671, p. 117; *Cal. S. P., Col.*, 1671, §§ 519, 520; *Lords' Journals*; *Commons' Journals*; *Hist. MSS. Comm.*, Report IX., part ii., pp. 8 *et seqq.*

<sup>3</sup> His original papers are in his *Journal*, x. 377-380.

"The True State of the Manufacture of Sugar within our Plantations, which requires all Manner of Incouragement."<sup>1</sup> The reasons which Sandwich gave for reducing the tax are naturally steeped in mercantilism, above all things in a hope that the English should beat "all other nations out of this commodity," and "become the sole or principal sellers of it in Europe."<sup>2</sup> The encouragement of the planters to refine the sugar—"improvinge Browne sugar to White"—was opposed by our own refiners, but Sandwich regarded theirs as a minor interest, one which contributed little to the country either in revenue or employment.<sup>3</sup> He considered the House of Commons distinctly partial to them; "for that there were eight or ten refiners of sugar, members of the House of Commons; and it is moreover talked that the refiners had given greate bribes."<sup>4</sup>

Not only were the lobbies used to further a particular interest, but party spirit went to work with an utter disregard of economic questions. The rivalry of Buckingham and Arlington for the King's ear was mirrored in the attitude of parties. The Court party, governed by Arlington and Clifford, wished to lay the blame for the loss of the bill upon Buckingham, and, as Sandwich puts it, "chardge the hindrance of it upon the House of Peeres . . . and affirme the losse of that bill . . . to import the King a million of money."<sup>5</sup> Over a question of finance the Country party, says Sandwich, usually followed Buckingham, who in this case "stood up highly for the privilege of the house of Peeres"; but this time "the Country party, finding a difference at Court, were glad to blow

<sup>1</sup> *Sandwich MSS. Journal*, x. 498. Worsley's paper deals with the matter entirely from a national standpoint.

<sup>2</sup> *Sandwich MSS. Journal*, x. 377.

<sup>3</sup> *Ibid.*, x. 379.

<sup>4</sup> *Ibid.*, x. 358.

<sup>5</sup> *Ibid.*, x. 86, 355, 356.

the Coale," and abandoned their leader. On the question of privilege Courtier and Countryman alike united, and pressed for a quarrel with the Lords. Only an occasional voice, such as Orrery's, the friend of Buckingham, was raised against a breach.<sup>1</sup>

In the breach over privilege, commercial matters were more and more deeply buried. Lord Sandwich studied only one side of the business, and utterly disregarded the party question. He says that "as to the greater point whether the Lords should make any abatement or noe to the bill sent up, I never had a thought exercised thereupon; and if the King or my Lord Arlington had forbidden mee to meddle therein, I should never have mentioned the particular of the sugar."<sup>2</sup> He regarded the alterations of the impost as a reasonable one, if alteration were permitted. His amendments were brought before the Peers, and his recommendations with regard to the reduction of the sugar-tax were formally adopted by the House of Lords.<sup>3</sup>

Two days later the Bill was read there for the third time, and was returned "with amendments and provisos," to the Commons.<sup>4</sup> At the same time the Lords asked for a conference, the general method of procedure during a dispute.<sup>5</sup> They included in the business the proposal for an address to the Crown. The object of the address was not specified, but soon

<sup>1</sup> Grey's *Debates*, i. 425.

<sup>2</sup> *Sandwich MSS. Journal*, x. 360.

<sup>3</sup> *Lords' Journals*, April 8.

<sup>4</sup> The Commons had already rejected an amendment: "in Breach of the Privilege of this House, where all Impositions on the People ought to begin" (*Commons' Journals*, March 24).

<sup>5</sup> These conferences were very frequent. This particular conference was managed by the following members of the Upper House: The Lord Chamberlain, the Bishop of Rochester, the Earls of Bridgewater, Berkshire, Sandwich, Essex, and Anglesey, Viscount Halifax, Lords Willoughby and Ashley (*Lords' Journals*, April 10).

leaked out. It was to be an appeal for the encouragement of our home manufactures, a request to the King that he would be graciously pleased by his own example to encourage the constant wearing of the manufactures of his own kingdoms and dominions, and discountenance such persons (men or women at Court) as shall wear the manufactures of foreign countries. To the Commons this looked like a bid for popularity, and the initiative offended them. They accepted the conference upon the sugar-tax ; but as to the address, they resolved to "send an answer by messengers of their own."<sup>1</sup> The Lords looked upon this as unparliamentary—"a denial in the roughest manner that can be"—and delayed the conference while they discussed a reply. The deputation from the Commons was already in waiting, and the members cooled their heels for an hour and a half. Then, in high dudgeon, they departed, and the conference was held over until the following day.

By that time the tension had grown, and the Commons were showing an imperious spirit. Several conferences were held, only to reveal that the Lower House was obsessed with the one point of privilege. Their debates were full of this business. Heneage Finch, the Attorney-General, declared himself the last man who would ever yield that the Lords have power to lower impositions. Henry Coventry denied the right of the Lords to debate a *quantum*, but granted them "a negative voice ; they may reject the whole." "If the Lords would ease the people, and we will not let them, it is the way to make the people fall upon us," said another. And Sir Richard Temple advised the House to assert their privilege, lest, said he, "the Lords tell the world they are fitter judges what the

<sup>1</sup> *Lords' Journals*, April 9-11.

people may give than we." All were determined that the Lords should not go away with the popularity of the thing; else, said they, we lose our reputation in the country.<sup>1</sup> It was then resolved (none contradicting) "that Impositions made by the Commons are not to be altered by the Lords."<sup>2</sup> Sandwich had prepared a further report, which the Lords approved, and agreed that the same be made use of at the conference.<sup>3</sup> Again Sandwich emphasized the national aspect of the question, but in the quarrel over privilege the expediency of the tax was ignored and sugar was forgotten.

On April 15 another conference was held. The Commons prepared for it by discussion, and instructed their managers to hold to the one question. Sir John Birkenhead's advice to the House was, "Make yourselves as small a mark for the Lords to hit as you can. Why should we hold a flag to fight in all propositions, whereas we have but one to maintain?"<sup>4</sup> And on this ground Finch was put to state the case. There was no compromise in his speech. "Mr. Attorney Generall began the conference," says Sandwich, "and highly provoked the House of Peeres with satiricall invectives."<sup>5</sup> It was no conciliatory voice which cried, "Books of Rates have been kept from you, lest you should enquire into them."

Such words had an ill effect. "Nothing so dangerous as differences," cried Finch, "nothing so unparliamentary. My Lords, pray let nothing be done unparliamentary." And Howard declared: "Your Lordships cannot believe that we, in the same barque, should desire storms. . . . We labour for accommodation."<sup>6</sup> But the Lords refused to see eye to eye with

<sup>1</sup> Grey's *Debates*, i. 435 *et seqq.*, April 13.

<sup>2</sup> *Commons' Journals*, April 14.

<sup>3</sup> *Lords' Journals*, April 12.

<sup>4</sup> Grey's *Debates*, i. 444.

<sup>5</sup> *Sandwich MSS. Journal*, x. 354

<sup>6</sup> *Lords' Journals*, April 17.



the Commons upon this new assertion. They asked their Committee to report on privilege, to prepare reasons and precedents for their attitude, and they set Sandwich to draw up a final paper concerning their motives for abating the tax.<sup>1</sup> Though they waived certain of their recommendations, they insisted on the amendments. They also definitely asserted their right to revise a money Bill. Their precedents were discussed and presented to the Commons. The Lords denied that which the Commons demanded as a right, and claimed the power to amend as "a fundamental, inherent and undoubted Right of the House of Peers." Their writs, said they, bore witness that "the Lords are excluded from none of the great and arduous affairs of the Kingdom."<sup>2</sup> Words were bandied about, and long lists of precedents sent up from the Lower House. Every side of this burning question was passed in review. The struggle grew more bitter, and compromise looked impossible. Messages went from chamber to chamber. The Lords reasserted their right to amend a money Bill, and voted that the list of precedents was unsatisfactory.<sup>3</sup> The Commons prepared an answer, and concluded by saying that in constitutional matters "they resolve ever to observe the Modesty of their Ancestors; and doubt not, but your Lordships will also follow the Wisdom of yours."<sup>4</sup>

That was the last shot in the locker. The shadow of prorogation had long hung over them. The King had attended numbers of the debates and watched the progress of the quarrel. He was tired of faction, and disliked the trouble of settling another dispute. The crisis was an awkward one, where a primitive judg-

<sup>1</sup> *Sandwich MSS. Journal*, x. 372; *Lords' Journals*, April 15.

<sup>2</sup> *Commons' Journals*, April 20.

<sup>3</sup> *Lords' Journals*, April 17 and 22.

<sup>4</sup> *Commons' Journals*, April 22.

ment such as Solomon's would not suffice. Prorogation afforded a respite while other schemes were set afoot. Above all, the Treaty of Dover had filled the King's purse, and he could afford to dispense with his faithful Commons. On April 22, while conferences were still pending, Charles prorogued the Parliament, "without a Speech, or any expression of Thanks for the Aids it had produced."<sup>1</sup> The constitutional question remained unsettled; neither side gave way. The disability of the Lords to amend a money Bill was not formally admitted, and the definition of their rights has been left to recent times. But that peer was a shrewd prophet who said that "by this way the Commons might annex things of foreign nature to Bills of Money and make a new *Magna Carta*."

During the quarrel Sandwich worked hard, and regretted the failure of the conference. He had prepared one more paper which was never given in, for before the prorogation the Lords stood upon their dignity. "They thought it most honourable," he says, "to breake off upon the greate point, and give noe other particular reasons untill after a satisfaction had in that."<sup>2</sup>

That was his last experience of party politics, and he turned with pleasure to the more serene atmosphere of the Council of Plantations, where he resumed his investigation of colonial affairs. Since his work was arduous, and lay in London, he sought recreation in scientific pursuits. He had been for some years a Fellow of the Royal Society, and was in 1668 upon the council of that body.<sup>3</sup> He

<sup>1</sup> Grey's *Debates*, i. 467.

<sup>2</sup> *Sandwich MSS. Journal*, x. 376.

<sup>3</sup> Birch, *History of the Royal Society*; Chamberlayne, *Anglicæ Notitia*. Sandwich was elected on February 13, 1661 (Birch, ii. 119), and added to the council on November 30, 1668 (Birch, ii. 331).

frequently joined the curious crowd who watched experiments with new-fangled glasses and blowpipes, or gazed upon ligations and dissections. He had some scientific knowledge ; his surveys and drawings of harbours and coastlines were correct, and those which he made on his voyages to the Straits were communicated to the society. He took an interest in engraving, and acquired some skill in the art.<sup>1</sup> Many pages of his journals are filled with calculations upon the altitude of the moon and observations on the stars. While he was in Spain he sent to the society a paper of observations upon an eclipse of the moon, and received the thanks of his colleagues. He also wrote upon a solar eclipse, he corrected the accepted latitude of Madrid, and added some notes upon the immersion of the satellites of Jupiter.<sup>2</sup> He presented John Evelyn with a *sembrador*, "an engine for plowing, equal sowing, and harrowing at once," and Evelyn was highly impressed by the excellence of the records made in Madrid.<sup>3</sup> At the same time the Earl translated a Spanish work upon the Art of Metals.<sup>4</sup> When Blome's Geography was in manuscript, the King referred it to Lord Sandwich, and the publication was undertaken upon his lordship's advice.<sup>5</sup> Sandwich studied perspective, kept up his mathematics, and was to the end of his life something of a student, one of the forerunners of the dilettanti of the eighteenth century.

Of his family affairs little can be said. On May 5, 1671, he heard of the death of his cousin, Edward, Earl

<sup>1</sup> *Philosophical Transactions*, i. 106, 108 ; Evelyn's *Sculptura* and Pepys's *Diary*.

<sup>2</sup> *Philosophical Transactions*, i. 296, 390. His letters are in the *Miscellaneous MSS.* in the possession of the Royal Society, Nos. 3397-3401.

<sup>3</sup> Evelyn's *Diary*, November 25, 1668.

<sup>4</sup> Alvaro Alonso Barba, *The Art of Metals*, etc

<sup>5</sup> *Sandwich MSS. Letters*, ii. 160 ; *Cal. S. P. Dom.*, July 10, 1669.

of Manchester, who was sixty-nine years of age. The following entry occurs in the journal :

"Next morninge I attended the King (by desire of the present Earle of Manchester) to know what houre his Majesty should be attended with the Collar, and George, and Garter. His Majesty appointed after dinner, when I waited on his Majesty, and on my knees (by command of the present Earl) presented the King, the Collar, George, and Garter with most humble Thanks for the Honor done to the deceased Lord Chamberlain and the family, the King being then Graciously pleased to expresse much Kindnesse both to the deceased, the present Earle, my selfe and our familye.

"I did beforehand begg his Majesty's direction whether the white staff should be presented his Majesty, in regard it is to be carried with the deceased to his grave. Besides that the diett and entertainment of Lord Chamberlayn is continued untill the Buriall (though it should be prolonged many weekes), and his Majesty was pleased to thinke that not necessary and soe noe white staffe was presented."<sup>1</sup>

Sandwich of course attended his cousin's funeral. The body was embalmed in London, near Whitehall, where Manchester died, and lay for a time at Warwick House, Holborn, but not in state.

"Thence," says Sandwich, "attended by noble men and their coaches (some thirty they say with six horses) out of Towne on Friday, the 12 of May in the morninge. I had a blacke coach and six horses; went alonge with them to Kimbolton and in it my sonn Sydney, and my cosens Edward and Sydney, sons of my Cosen George Mountagu; my cosens Edward, Henry, Charles and Sydney, sons to deceased Earle, came along to Kimbolton with two mourning Coaches and six horses. At Staughton Greene on Satterday 13, I from Hinchinbrooke, my Ld. Mountagu from Boughton, and some of the Countrey Gentlemen mett the Herse, and some 10 coaches in all, went with it streight to the Church at Kimbolton where the Church

<sup>1</sup> *Sandwich MSS. Journal*, x. 394-396.

was hunge with one breadth of Bayes and Scutcheons. Mr. Gall preached a sermon, and afterward the body was Interred."<sup>1</sup>

The death of Lord Manchester left Sandwich as guardian of Sir Francis Wortley's natural daughter, a considerable heiress.<sup>2</sup> She was intended as wife for Lord Manchester's son, Edward, and Sandwich placed her under the care of my Lady Erwin, and handed her trust deeds to one of the Harbords. A few days later he writes :

"May 29, 1671, I beinge this day oblidge to waite upon the Kinge my Master to Windsor, at the Ceremonye of St. George's Feaste to be held there on Monday next, tooke into consideration the Hazard Mrs. Wortley might be in at my Lady Erwin's of Havinge violence used to gett her into possession of others whilst the Court and my selfe were out of Towne, beinge not out of feare also lest my owne Kindred to secure theire pretensions to her might not unknowne to mee remove her to some obscure place out of my power, in which case I should have suffered deeply in my reputation in the world, as havinge placed her at my Lady Erwin's out of my power, or in order to comply with my Kindred in the stealinge of her. And hereupon I tooke the advise of greate Lawiers and my best friends, and upon the whole matter resolved to send her downe to my house at Hinchingbrooke, which accordingly was executed this day, my Cosens, Mr. Edward and Mr. Charles Mountagu went downe alonge with her, and Mr. Wm. Harbord and my cosen my Lady Lucy Mountagu also to stay with her and keepe her company; she was well guarded downe and order given to lodge her in the securest part of my house, and people neere to de-

<sup>1</sup> *Sandwich MSS. Journal*, x. 399. At the funeral Sandwich was given a wild story about a feared insurrection of the Papists aided by the French, which he transmitted to Court, probably to the King's amusement (*Cal. S. P.*, *Dom.*, May 14).

<sup>2</sup> Sandwich was one of the executors of Sir F. Wortley's will, and Wortley left him £500 (*Carte MSS.*, 75, f. 452).





THE HON. SYDNEY MOUNTAGU

*From a portrait by Michael Wright*

To face p. 234 of Vol. II





fend her from attempts. And on Sunday night they gott thither by the way of Bishopp Starford and Cambridge."<sup>1</sup>

In the end Mistress Wortley and her fortune fell to Sydney Mountagu, second son of Lord Sandwich, but the marriage did not take place for some years. Sydney was his father's favourite, and Sandwich speaks of him as one who "had more liberal breeding than the rest of my younger sons." Accompanied by young Clem Cotterell, Sydney had just completed the grand tour. Pepys tells us how he entertained him before he left for Flanders and Italy, "and had a good dinner, and very merry with us all the afternoon."<sup>2</sup> He returned on January 30, 1671, after nearly two years' absence in Germany, Italy, and France.<sup>3</sup>

In his journal, Sandwich has recorded one or two other events of purely family interest. On April 23, 1670, he writes :

"My Lord Burlington and I were Godfathers and my Lady Orrery Godmother at the Christeninge of my Grandson, Edward Mountagu, in my Lord Burlington's house. The child was borne there on Sunday, Aprill 10th about one o'clocke in the Afternoone."<sup>4</sup>

Again, on January 5, 1671, comes the entry :

"My Daughter, Anne Mountagu, being 18 yeares of age was married to Sir Richd. Edgecumbe, Knt. of the Bath, of Mount Edgecumbe, by Plimouth in Devonshire; his estate full £3000 *per ann*; her portion £5000 paid downe, and £1000 expended in weddinge, feastinge, and other preparations thereunto."<sup>5</sup>

Other family records are of little moment, for Lord Sandwich rarely went to Hinchingsbrooke. He found

<sup>1</sup> *Sandwich MSS. Journal*, x. 400.

<sup>2</sup> *Pepys's Diary*, May 13, 1669.

<sup>3</sup> *Sandwich MSS. Journal*, x. 340.

<sup>4</sup> *Ibid.*, x. 266.

<sup>5</sup> *Ibid.*, x. 330. The correct date of her birth is April 12, 1653.

his time occupied by the Council of Plantations, and by attendance on various Committees of the House of Lords. His roll of achievement and titles is a long one. He was on the Privy Council, and was one of the "twelve persons of dignity" who composed the Council of the Queen.<sup>1</sup> He served on the council of the Royal Society, he was an Elder Brother of Trinity House, and a member of the Honourable Artillery Company.<sup>2</sup> In his own county he acted as Lord Lieutenant. His interests were many, and brought him into contact with the best-known men of the time. He was not only a statesman and a seaman, but he was well known in scientific and musical circles; in every way he had scope for varied activity, and the opportunity of living a full life. But in the heyday of his power, when everything seemed to be going well with him, and he had found a useful sphere of action, his life came to an end.

<sup>1</sup> Chamberlayne, *Anglicæ Notitia*, 1671.

<sup>2</sup> G. A. Raikes, *History of the H.A.C.*

## CHAPTER XV

### THE THIRD DUTCH WAR<sup>1</sup>

#### I. THE PREPARATIONS.

“This declaration, as that of the former war, was founded upon generals and affected pretences. This is always the case when war is first resolved, and reasons or pretences are afterwards sought.”—RAPIN DE THOYRAS : *History of England*.

OF the differences and disputes which led up to the third Dutch War, Sandwich knew little. At a time when the Roman Catholic religion and secret relations with the French Court formed the keys to the King's confidence, he was condemned to ignorance. The Cabal ruled all, and with only two of the five men who composed it had he ever a word; but even from Ashley and Arlington he could not learn anything of moment, for their tongues were tied. Busied as Sandwich was with the Council of Plantations, there was neither time nor opportunity for reflection; he

<sup>1</sup> Authorities : Since Sandwich's journal was probably lost with his ship, we have no record of the strategy such as he gave us in the previous war. Most of this chapter is done from the *State Papers, Domestic and Foreign*, and *The Mount Edgumbe MSS.* In the Admiralty Library is Narborough's *Journal (MS.)*.

The printed sources include Henry Savile, *True Relation of the Battle of Southwold Bay*; J. S. Corbett, *Notes on the Battle of Solebay* (Navy Records Society); *The Drawings of Van de Velde* (which accompany the notes); J. S. Clarke, *Life of James II.*; De Jonge, *Geschiedenis van het Nederlandsche Zeevesen*; *Hist. MSS. Comm.: Dartmouth MSS.*; Basnage, *Annales des Provinces Unies* (1726); A. T. Mahan, *Influence of Sea-Power on History*; John Evelyn's *Diary*. Other authorities are mentioned in the footnotes.

lacked knowledge, and was destined to lose his life in a quarrel of which he did not approve. It was a strange stroke of fate that sent him to bring over the provisions of the Treaty of Dover.

The third Dutch War was the outcome of this infamous pact between two sovereigns; it was waged neither for trade nor for expansion, but was a contest made by Kings. No government at the beginning of a war ever stood in more strongly marked antagonism to the nation and Parliament than did the English government at this crisis. The people were as one in their suspicion of France, and the combination by which the contest was to be carried on made the war look like an attack upon their laws, ordinances, and institutions.<sup>1</sup>

The war was, on Louis' part, largely one of revenge. He had not forgiven the slight of the Triple Alliance, and the consequent check upon his policy. Nor had he forgotten the reprisals upon French goods. By his side was a Minister of Finance who was prepared to bring questions of trade to the ordeal of the sword. So vindictive was Louis that the Dutch knew that defeat meant the virtual extinction of their country, and at the time of crisis they were assailed by a second enemy. Charles was firm in the French interest, one which agreed with his own policy. He drew the country into war in order to gratify a personal desire for revenge. Except for a few imagined insults, of as little importance as the continental caricature of to-day, the King of England had no real grievance against the States; but he hated the puritanism of their religion, and looked askance upon their republican form of government. He had not forgotten the daring raid upon the Medway, the

<sup>1</sup> Von Ranke, *History of England*, iii. 522, 527.

capture of the ship which bore his name, and the booming of the Dutch cannon within a few miles of Whitehall. Louis XIV. offered him the opportunity for revenge, and it was for France, for Louis, for Colbert and his colleagues, that we fought the battle of Southwold Bay.

At the opening of this war, one which might well be called "the King's war," Charles made choice of his Admirals, and the King was no mean judge of naval affairs. He remembered the battle of Lowestoft, and Sandwich was called upon to serve his country. The Earl was regarded as the ablest seaman of his day. He was the keeper of the old traditions, the most prominent sailor who represented the school of Blake and the Commonwealth. When from time to time the commands had changed, his name was always brought forward. He came into a position of command, not by favour, but by right; not simply because he was Vice-Admiral of England, but because his seamanship was proved.

Though Sandwich was called to active service, he had no great love for his cause. Among the many who opposed the war must be reckoned the Earl. He knew no more than did the people of the schemes which underlay the machinations of Charles; over the Catholic plot he was entirely in the dark. Membership of the Privy Council carried with it no right of summons, and through no other channel could he enter even a vain protest. Of the secret intrigues Sandwich knew nothing, since he stood outside the circle of the King's advisers; when he ceased to be Master of the Wardrobe he severed the one link which bound him to the Court, and, like many another Mountagu, he went his own political way. He could judge the war on its merits. Concerning his prefer-



ence for French or Dutch he had long since made up his mind. He had met the one in honest warfare, the other in diplomatic by-paths. He had not forgotten the intrigues over precedence, nor the threat of assassination thrown out by St. Romain. He had in him more of the Dutch temperament than the French, so that his sympathies were governed rather by his friend Sir William Temple than by a hot-head like Downing. Above all, he soon determined that the war was inexpedient, and for him that was sufficient.

Within the past few months he had been discussing a plan by which "the Dutch and wee in true interest ought to divide the trade of the world betweene us." His adviser had proposed that the two countries should come to an agreement upon their spheres of influence, both in America and the Indies. "But," he added, "if the Dutch were soe selfe seekinge as that they would not consent to equall termes of Trading, yett that wee should trade, though but in a middeling proportion without quarrellinge them, and never joyne with France against them, but in case of absolute desperation."<sup>1</sup>

During the autumn and winter which preceded hostilities, Sandwich was simply an observer. He looked on, while the King sought out some pretexts, and invoked a party in favour of his policy. Charles had virtually deposed Parliament, and could count on a section of the merchants, encouraged by Lord Ashley, who saw prosperity in the ruin of a powerful rival. He exchanged his Ambassadors, and Downing was sent to the Hague, the King "finding by a long experience, that a rougher hand than Sir William Temple's must get him right of the States."<sup>2</sup> An

<sup>1</sup> *Sandwich MSS. Journal*, x., ff. 266-268.

<sup>2</sup> *Arlington, Letters*, ii. 337.

incident which arose out of the exchange was magnified into an insult. The yacht, *Merlin*, was sent to bring back Lady Temple, and in passing through the Dutch fleet the captain demanded a salute. The Dutch Admiral ignored a demand which meant that he was bound to strike to any ship carrying English colours, "of what rate or bigness soever." Charles was determined to be affronted, and resolved to make Holland the aggressor as soon as the time came to show his hand. Meanwhile he proceeded to line his purse. On January 2 came the "stop of the Exchequer." A simple proclamation paralyzed finance. The State repudiated its debts. Bankers and merchants, large and small investors, were involved in ruin; their gilt-edged securities became waste-paper, and the ready money of the State was used for the war.

The next step which Charles took was one which Sandwich would have opposed, had it been in his power to do so. For Sandwich believed in uniformity and the Common Prayer Book; but the King, obsessed with Roman Catholicism, endeavoured to loosen some of the shackles which bound his favourite Church, and in order to justify his policy he gave temporary relief to all his faithful subjects. He had not forgotten the danger from the Dissenters which had shadowed him in 1665. Their Dutch sympathies were patent; they needed a sop to soothe them, and on March 15 the sop was forthcoming. Charles issued a *Declaration of Indulgence*. The Nonconformists and recusants were licensed to assemble after their own fashion for public worship and devotion, and to preach in their own conventicles. The laws which had made their religion a hole-and-corner affair were suspended. Side by side with the debauchery and licence of the Court, the stern countenance of Puritanism was unveiled. Its

votaries purchased toleration with neutrality, and prayed "that the refreshing streams of his Majesty's clemency might return to his royal bosom with increasing peace and honour."<sup>1</sup>

Whilst the King defrauded merchants and suspended laws, the Dutch, who had foreseen the contest, did everything they could to prevent it. Their feeling at first was in the main against the French, whom they regarded as the real mischief-makers. The sailors who had offered their services seemed disheartened when they heard that the English also were against them.<sup>2</sup> Even after Downing had done his work, and left the Dutch to ponder over his insults, they hoped that England might be deterred from war. They worked hard to conciliate Charles, and during the spring numerous notes were exchanged. "The neutrality of England," said one, "would cause the Dutch to fear the French not at all."<sup>3</sup> But this neutrality could neither be wooed nor purchased. "The malicious phanatick party," said another, "report that the Dutch offer to subscribe to all his Majesty's demands, and that nothing will satisfy but a warr and Dutch ruine."<sup>4</sup> The fanatics were right. Charles and his advisers were obdurate. Their implacable attitude turned the stream of Dutch hatred more and more against England, and fortified them in their preparations.

When the Dutch were actually face to face with invasion they worked hard. It would have been difficult to realize that factions "boiled high," and that they were divided into supporters of William of Orange and Johan De Witt, of monarchy and republicanism. For De Witt made a great attempt to steer his country

<sup>1</sup> *Cal. S. P., Dom.*, April 2.

<sup>3</sup> *Ibid.*, February 6.

<sup>2</sup> *Ibid.*, March 27 and April 8.

<sup>4</sup> *Ibid.*, February 18.

safely through the crisis; the people appeared as if "acted by a single spirit," and his "venom appeared through it all."<sup>1</sup> Yet he had suffered from the jealousies which beset a federation, and was stinted at a time when successful diplomacy was a matter of largesse. A few years of peace had brought prosperity to the Dutch, and with it a false security. The awakening only came when "a potent enemy was against them by sea, and another by land." The boors were called upon to defend the coast, and to plough up their corn, that they might not help to feed the enemy. Those who refused were like "to have their houses fired about their eares."<sup>2</sup> National feeling was aroused, and anxiety abated. When March came, the States had some four thousand seamen in pay, and about that number of marines to add to them; "nay," says the writer, "since they offer such great wages as even tempt the English, Scotch and Irish into their service, certainly it must allure their own."<sup>3</sup> Every encouragement was given to make an engagement profitable to the sailors. They were offered all the ships they took from the English and French; and, over and above, a reward of 50,000 *guilder* for every Admiral, and 30,000 for a Vice-Admiral.<sup>4</sup> Tempted by such rewards, seamen joined the fleet in numbers. Above all, the Dutch had De Ruyter, the greatest Admiral of the time, to inspire their efforts. He advised the States as to the order of equipment, and detailed the ships he required.<sup>5</sup> By the end of March he had a powerful fleet ready to take the sea.

<sup>1</sup> *Cal. S. P., Dom.*, February 3.

<sup>2</sup> *S. P., For. : Holland*, clxxxviii., 89-213. This bundle of papers contains many of great interest in considering the preparations.

<sup>3</sup> *Cal. S. P., Dom.*, March 26.

<sup>4</sup> *S. P., For. : Holland*, clxxxviii. 89.

<sup>5</sup> Brandt, *Vie du l'Amiral de Ruiter* (1678), pp. 462-464.

In the matter of preparation the Dutch outstripped us. During this third war the Navy Office did most of the preparatory work, and Sandwich scarcely appeared. The State papers contain few records of his movements. There were none of the sailing-trials and work upon the winter-guard which preceded the war of 1665. For a time he was down at Portsmouth, but on no great business. Though in February he was aware that his service was required, he was given little preparatory work to do, and cannot be held responsible for the defects of the administration.

Our experience in the last war had taught us little. Certain changes had been made ; the single victualler was replaced by a commission, but three men found it just as hard to get money for the service as one had done.<sup>1</sup> Their credit was exhausted, and they were helpless.

The want of money was no less pronounced than the want of men ; "only if the King could pay well and hang well would he be better served."<sup>2</sup> As soon as war was expected, merchant vessels were fitted for far-away expeditions, that the men might evade the press. Several sailors "left their abodes and removed to obscure places in the inland counties." The old story was repeated : recruits were sent, "cordwainers and the like, none of them seamen, so ragged that they were utterly refused, fearing they would taint the sound seamen." Those who came from Cambridge, Huntingdon, and the Isle of Ely, were but a poor lot ; not seven could be picked fit for service, said the press officer, "and all have mouths, and clamour for meat and money." In the more remote corners of England

<sup>1</sup> J. R. Tanner, *Pepysian MSS.* (Navy Records Society), i. 156.

<sup>2</sup> *Cal. S. P., Dom.*, February 9.

the press was stoutly resisted ; in Cornwall the warrant officer was set upon, his servant's head was broken, and the man was thrown over a cliff and taken up for dead. Not one could be pressed by the constables for fear of a mutiny. The vessels in the Thames were short-handed ; their captains went ashore and scoured the country for men, beating their drums in the villages, but none hearkened. The call of the sea was in vain. When April came there were few ships "manned fit to engage an enemy." And had the men come forward, the ships were not prepared to receive them. Equipment was lacking ; even on the brink of war there was a cry for masts and spars, yards, fire-booms, and scupper-shoots ; when the fleet was called upon to sail, number of vessels were left idle in the Thames, unmanned and unequipped.<sup>1</sup>

While both sides were busied with their preparations, actual warfare began. Long before any declaration was made, the Dutch merchant shipping was called upon to pay toll. Their captains who put into English ports were ill at ease. They feared an attack upon their cargoes, and remained on guard, "with matches lighted and in a fighting posture."<sup>2</sup> An embargo was issued on their ships ; all men-of-war which were in readiness were commanded to seize and bring into port any vessels of the States-General they met with, and to destroy any that resisted.<sup>3</sup> This was a momentous though ill-judged decision on the part of the Government—it was made only upon the advice of a section of the seamen, and it met with emphatic disapproval from Lord Sandwich, but on the day it was issued, he could not raise his voice in protest. He was then at

<sup>1</sup> *Cal. S. P., Dom.*, January 24 to April 25.

<sup>2</sup> *Ibid.*, February 2.

<sup>3</sup> *Ibid.*, March 5.



Portsmouth inspecting some ships, and returned to London a few days later.<sup>1</sup>

The decision of the Council probably crossed him on the way, and before he could be heard the English seized their opportunity. On March 13 the Dutch Smyrna fleet attempted to go home through the Channel. The vessels were richly laden with the usual cargoes of silk, cochineal, gums, and spices. There were fifty merchantmen, stout and strong, convoyed by eight men-of-war. An old enemy, Robert Holmes, attacked them with seven or eight lusty ships. The advantage was with him, for the Dutch had their cargo to save; their vessels were foul after the long journey, and ours were newly fitted out and clean. But the Dutch were desperate, their men were inured to the sea, and everyone was concerned in some venture or other on board the merchantmen. They fought a good fight; "the engagement was hot and brave; as hot as ever they knew any engagement in the late Dutch war." Our ships lost heavily; their spars were broken, their shrouds and sails were torn in pieces. The *Diamond* had never a mast standing, and the *York* was so maimed that she could hardly sail. The Dutch were chased for a whole day and night, and Holmes brought in a few inconsiderable prizes.<sup>2</sup>

This unwarranted attack upon the Smyrna fleet increased the resentment in Holland. The people were full of bitterness, since we began the war so unexpectedly and captured their merchant ships.<sup>3</sup> It became dangerous for an Englishman to be seen in the streets of a Dutch town. "The women and children are so exasperated against us," said a sailor,

<sup>1</sup> *Cal. S. P., Dom.*, March 7. His last signature as a Councillor is dated April 14, 1672 (*Brit. Mus. : Stowe MSS.*, 142, f. 86).

<sup>2</sup> *Cal. S. P., Dom.*, March 13-15.

<sup>3</sup> *S. P., For. : Holland*, clxxxviii. 12.

"that they show their knives with railing foul speeches."<sup>1</sup> As in most similar attempts to strike before a declaration of war, the moral effect was evil, and greatly outweighed any advantage that we derived from sudden action. Holmes had opened the war as badly as could be; he had done all that was needed to reawaken in the Dutch the old dormant spirit of fierce hostility and to fill them with an indomitable lust for revenge, which was felt like a fire in the coming day of battle. It was rightly predicted that when the day came rivers of blood would be shed.<sup>2</sup>

The indignation, once kindled, was fanned into further fury by the terms of the declaration of war. These were set out in a pamphlet which declared that nothing but inevitable necessity forced England to take up arms, for the Dutch had broken faith with us and supplanted our trade.<sup>3</sup> The incident of the *Merlin* was taken as an insult to the nation. The caricatures played their part: "In Holland there is scarce a town that is not filled with abusive pictures, and false historical medals and pillars." But the Dutch affirmed that only one medal was known, and of that the mould had been destroyed. Their protests went unheeded; the declaration was printed on March 17, and published with all the usual solemnities by the heralds. The French declaration followed a few days later. A fast was proclaimed for our success. The outbreak of war was reported to give general satisfaction, despite its prejudicial effects on trade;<sup>4</sup> but, on the other hand, the French Ambassador declared that scarcely a voice was raised in commendation.<sup>5</sup> It was a quarrel,

<sup>1</sup> *Cal. S. P., Dom.*, March 27.

<sup>2</sup> *S. P., For. : Holland*, clxxxviii. 198.

<sup>3</sup> A printed copy is in *S. P., Dom. : Charles II.*, ccciv. 21.

<sup>4</sup> *Cal. S. P., Dom.*, March 24.

<sup>5</sup> Mignet, *Négociations*, iii. 703.

"slenderly grounded," says Evelyn, "and not becoming Christian neighbours."

Sandwich certainly was opposed to the action of the King and his advisers, and had no conviction of its justice. With regard to the pretext of the salute, he had been jealous for the honour of the English flag, but careful of the courtesies which attended its usage.<sup>1</sup> The incident of the *Merlin* was not to his liking. His friend, John Evelyn, affirms that "he was utterly against this war from the beginning, and abhorred the attacking of the Smyrna fleet." The diarist saw Sandwich shortly before the Admiral went down to the Nore.

"Going to Whitehall," he says, "to take leave of his lordship, who had his lodgings in the Privy Garden, shaking me by the hand he bid me good-bye, and said he thought he should see me no more, and I saw to my thinking something boding in his countenance. 'No,' says he, 'they will not have me live. Had I lost a fleet' (meaning on his return from Bergen when he took the East India prize) 'I should have fared better; but be as it pleases God, I must do something, I know not what, to save my reputation.'"<sup>2</sup>

It might seem, since Evelyn wrote after Sandwich had lost his life, that these ideas took shape from the event; but it is curious that a man like the Admiral was for some weeks haunted by a sense of fatality, and predicted his own death. At the last he seemed to throw off his unimaginative self, and to ponder over his future. Evelyn's story is borne out by another witness. Just before going to sea, Sandwich was a guest at Lord Burlington's, and there, in the garden, talked with the younger Hyde and some of his friends.

"Their discourse turning upon the preparations for that summer's campaign and what was to be expected

<sup>1</sup> T. Wemyss Fulton, *The Sovereignty of the Seas*, pp. 463, 472, 482; *Cal. S. P. Dom.*, June 14, 1669.

<sup>2</sup> Evelyn's *Diary*, May 31, 1672.

from it, his Lordship then walking with his hands one upon the shoulder of Charles Harbord and the other upon Clem Cotterel's (for his greater ease being then grown somewhat goutish and otherwise unwieldy) told the Company by way of reflection upon the then management of our Sea affairs that though he was then Vice-Admiral of England, and Admiral of the Narrow Seas, yet he knew no more of what was to be done that summer than any one of them, or any other that knew nothing of it; 'This only I know,' he said, 'that I will die and these two boys (meaning Harbord and Cotterel) will die with me.'"<sup>1</sup>

In such a mood the Admiral went down to join the fleet. When he reached the vessels he was received, not in silence, but in triumph. His men gave him three great huzzas. This was not a mere formal welcome. The influence of the Commonwealth navy was personified in Sandwich. Strict as was his discipline, he knew how to treat his men; instead of calling them "damned dogs" and the like, he called them by more kindly names, and no tradition of his life is better established than the esteem in which he was held by the real old salts.<sup>2</sup> By the younger officers he was equally respected.

"Sir," he said to one who had displayed conspicuous bravery, "you are a person whom I am glad to see, and must be better acquainted with you, upon the account which Captain Brooke gave mee of you. I must encourage such persons, and give them their due, which will stand so firmly and courageously unto it upon extremities wherein true valour is best discovered. Hee told mee you were the only man that stuck closely and boldly to him unto the last, and

<sup>1</sup> The letter is a copy from the *Pepysian MSS.*; it is endorsed No. 138, and is dated April 27, 1694. It will be found fastened to the fly-leaf of vol. x. of the *Sandwich Journals*.

<sup>2</sup> See Charnock, *Biographia Navalis*, i. 42; Campbell, *Lives of the Admirals*, ii. 233; *Remarks upon the Navy*, ii. 14 (1700), etc.

that after so many of his men and his lieutenant was slayne, hee could not have well knowne what to have done without you." <sup>1</sup>

The affection of his officers and seamen was some compensation to Sandwich for his dislike of the war. However sad his forebodings may have been, the cheers of the sailors and his love of the sea made him glad once again to stride the decks. On April 20 he supped on board the Duke's flagship, and on the following day his own flag was hoisted in the *Royal James*. There he entertained the King and the Duke of York.<sup>2</sup> For a few days the fleet remained in the river, a review took place, and the preparations were completed. The English ships formed two of the three squadrons of the fleet, and the French were to make up the third. The command of the combined fleet was given to James, Duke of York, and Sandwich, his Vice-Admiral, took command of the Blue. Several councils of war were held, at which Charles was present, and my Lord had at length an opportunity of learning what was to be done at sea. If he followed his custom during the former war, and wrote down the details of the councils, his journal would have proved more than valuable. He had concluded his book for 1671, and that which he wrote during the last few weeks of his life has perished with him.

Until Sandwich came on board his flagship he was in complete ignorance of the plan of campaign, but he now learned it from the King's lips. Charles and his advisers had formulated a general scheme, to be carried out in concert with the French. This comprised an invasion of the United Provinces by the

<sup>1</sup> Sir Thomas Browne, *Works*, i. 149. The hero was Lieutenant Browne of the *Foresight*, then at Bergen.

<sup>2</sup> Narborough's *Journal*.

French army, and a simultaneous attack by the combined French and English fleets upon that of the Dutch. It was not our object, said Charles to the French Admiral, to take two or three vessels, but to ruin the enemy's force.<sup>1</sup> Since the allied fleets were of considerable strength, it was hoped that the command of the North Sea would pass into our hands; the Dutch trade could then be cut off, and the English might seize their northern ports, and drive home the blow by landing troops in Holland. Counsel was taken as to "the fittest place to land our forces, if God should give us victory at sea." Zeeland was chosen for a raid, as a state where the Orange interest was strong, and where, "if they should overcome us, we can for a farewell pour in the whole ocean upon them."<sup>2</sup> Such a course depended upon a decisive victory by the fleet, and chance might not grant it. But less would have contented us. If the Dutch could be contained, and forced to keep at bay, there would be opportunity for the movement of the French troops, and the enemy would be compelled to a continual expenditure, both of men and material.

These plans were foreseen by De Witt, and he had hoped to thwart them by two rapid strokes. He would first have surprised Neuss, the town which Louis had chosen for his base, and would thus have held the key to the French advance. He proposed also to take advantage of the enemy's unreadiness, and to attack the French fleet before they could get to sea.<sup>3</sup> But an excess of caution seized the Dutch, and the jealousies of the various States hindered the necessary preparations. At length the Council resolved on a stroke

<sup>1</sup> Eugène Sue, *Histoire de la Marine Française*, ii. 355.

<sup>2</sup> *Cal. S. P., Dom.*, April 22: Kinnoul to Lauderdale.

<sup>3</sup> De Jonge, *Geschiedenis van het Nederlandsche Zeewesen*, vol. iii., part i., p. 72 *et seq.* See also Lefèvre-Pontalis, *Life of Johan De Witt*, ii. 245-247.



which closely followed the lines indicated by De Witt. An endeavour was made to get the fleet in order before the junction of the Duke of York and the Comte d'Estrées. The sea was cleared of Dutch shipping, their merchantmen lay idle in the rivers, and advice boats were sent out to warn their East Indiamen that war was imminent.<sup>1</sup>

Our ships meanwhile had assembled near the mouth of the Thames; and the French squadron lay in the harbour of Brest. The Dutch hoped to prevent a junction of the allies, by attacking one or the other. They determined upon a sudden onslaught at the Nore, and a repetition of the insolencies of 1667. Success would have emboldened them and paralyzed our preparations; and a second blow could then have been delivered at our allies. For a time we dreaded some such scheme, for frequent warnings were received that the enemy was active.<sup>2</sup>

On April 17 the United Provinces resolved to send out their fleet, but the jealousies of the various states overset the plan. On April 29 De Ruyter left the Texel, and prepared to pick up the Zeeland squadron, which was then in the Vlie. Their Admiral, Banckers, had received orders which forbade him to leave the river until he caught sight of De Ruyter, and he remained at anchor while his colleague worked round the coast. A report sent to England spoke of the Dutch as merely "shifting up and down," and as they did so the quarry slipped away.<sup>3</sup>

The slowness of the enemy meant that we could carry out the plan of joining our allies west of the Straits of Dover, and it was fortunate for us that the

<sup>1</sup> *Cal. S. P., Dom.*, April 2 and 8.

<sup>2</sup> *Ibid.*, April 9. See also J. S. Corbett's *Note on the Battle of Solebay*.

<sup>3</sup> *Cal. S. P., Dom.*, May 2.

Channel was still clear. The moment had been a dangerous one for England. On May 1 our fleet lay at the Nore, and still only half prepared. The French fleet was hardly under way from its own coasts. The wind was easterly, and favourable to the enemy, whose fleet was daily expected off the Thames. For the English to remain there was to court disaster. According to d'Estrées, the commander of the French fleet, some of our flag-officers opposed a move. But a forward policy prevailed—partly because of the necessity for a junction with our allies, partly in the hope that a move might draw the Dutch into the Channel. On May 2, therefore, the Red and Blue squadrons, about forty “stout men-of-war,” sailed out of the river and round the Kentish coast.<sup>1</sup> They were seen by the enemy's scouts, with whom the *Antelope* exchanged several guns, before the Dutchmen bore away for the Texel, to carry the news to De Ruyter.<sup>2</sup> The same day Charles and his Ministers decided on a course which justified the movement, “it being not advisable to fight with the Dutch fleet, before the conjunction of the French squadron, if it can be avoyded, except upon some great and manifest advantage.” The actual place in which to await the French was left to the Duke “to be debated and resolved with the Flag-officers.” It was suggested that Dungeness was better than the Downs;<sup>3</sup> Portsmouth was better still; for the farther south our fleet, the more “encouragement for the French squadron to advance more readily into the Channel.” At the same time it was hoped that the enemy would follow us, and thus the proposed junction wore an important strategical aspect.

<sup>1</sup> *Hist. MSS. Comm.: Dartmouth MSS.*, p. 6.

<sup>2</sup> *Cal. S. P., Dom.*, May 3.

<sup>3</sup> *Ibid.*, May 2: Resolution of the Council.

The wind was favourable when, on May 2, while the Dutch were still on their own coasts, our fleet left the Thames, and sent out scouts in order to get in touch with our allies.<sup>1</sup> The French fleet was then outside Hurst Castle, and approaching Portsmouth from the west. The Admiral, Comte d'Estrées, commanded thirty-two men-of-war, eight fire-ships, and a number of victualling ships and ketches.<sup>2</sup> On his arrival at Portsmouth, d'Estrées found the garrison under arms, and the King ready to receive him. He saluted the town with nine guns, and was answered with the like number. On May 5 Charles and some of his courtiers visited the French ships. They were saluted by the whole fleet, went on board the *Saint Philippe*, the *Terrible*, and the *Superbe*, and made a thorough inspection of the vessels, guns, and men.<sup>3</sup> There was much to interest a seaman, such as the King. The French vessels differed from ours in their construction—they were lower in the water, shorter in proportion, and with a greater draught. "They have not a cabin standing between decks for gentleman or any other," said a seaman, "so that in time of service they will be very clean ships." They were well officered and well manned, but the discipline was less exacting than in the English vessels. The inspection ended, Charles went ashore in his yacht, and with him the Comte d'Estrées and several of the French nobles, to be entertained by Lord Arlington.<sup>4</sup>

The royal visit was effectively timed. About five in the afternoon, "as the King was standing on the battery little expecting it," our fleet appeared.<sup>5</sup> The junction of the allies was thus made at the very hour

<sup>1</sup> *Cal. S. P., Dom.*, May 3.

<sup>2</sup> *Ibid.*, May 5.

<sup>3</sup> *Ibid.*, May 5. See also Eugène Sue, *Histoire de la Marine Française*.

<sup>4</sup> *Cal. S. P., Dom.*, May 5.

<sup>5</sup> *Ibid.*, May 6.

when De Ruyter approached Dover. The gale which brought him thither still swept along the Channel; for days the weather was bad, and the allies were unable to get to sea. At length, on May 9 about noon, the wind came southerly; the allied squadrons weighed anchor, and before nightfall they were out of sight to the eastward.<sup>1</sup> The Duke was aware of the presence of the Dutch off Folkestone, and resolved to stand over towards the middle of the Channel, away from the Sussex coast, and nearer France. For with a southerly wind the English would have the weather-gauge, and hoped to come suddenly upon the enemy, while on the western side of the Straits. "We use all manner of diligence to get up to them," says a writer, "and bring them to an engagement west of Dover."<sup>2</sup>

There was still some chance that such an engagement might be possible, if the enemy could be tempted farther along the coast towards Portsmouth. It looked as though some such design would succeed. On May 5, the day on which the allies joined forces, the Dutch fleet was visible from the North Foreland. Fear of invasion spread over the southern counties, for the raid upon the Medway was fresh in every man's memory. All round the shores men were stirred to vigilance. On the Foreland was a beacon built of brick, "having on the top a cradle of iron, in which a man attends a great sea-coal fire."<sup>3</sup> Similar lights were set up from the South Foreland to Sheerness, and from Orford Ness to Lee.<sup>4</sup> Sentries were posted on the church steeples; troops of horse were set to watch the motions of the Dutch, and stood on the headlands ready to give warning when invasion threatened. The trainbands were called out. People

<sup>1</sup> *Cal. S. P., Dom.*, May 9.

<sup>2</sup> *Ibid.*, May 10.

<sup>3</sup> Evelyn's *Diary*, May 14.

<sup>4</sup> *Cal. S. P., Dom.*, April 10.

flocked from far and near to look at the enemy's fleet ; even the Queen was drawn by curiosity to view the naval pageant.<sup>1</sup> The Dutch vessels made a brave show with the May sunshine glinting on sail and gun. At times they came within a cannon-shot of Dover Castle. Our shipping was scared ; small boats set all sail, and darted to the nearest harbour, a Dutchman or so in pursuit ; chases were continual, a capture occasional, escapes many and exciting. Precautions were taken to guard the river. Our fleet was so far westward that the nakedness of Sheerness became a matter of the greatest concern. A ship was not allowed to pass into the Swale, nor to lie near in the night, nor to pass up the river by day, without examination of all she had on board. At length foul weather came to the rescue and saved the Londoner any further anxiety. For some days a strong gale blew from the north-east, the Dutch cables gave way, and the wind threatened their power of retreat. On May 9 they set sail again, and disappeared towards the east, leaving only a few scouts in the Channel to warn them of the approach of the allies.<sup>2</sup>

De Ruyter was by then aware that the English and French had joined, and he moved away from the Channel to the back of the Goodwin Sands.<sup>3</sup> The enemy came no nearer, "lest they should be beaten, and the wind continue easterly," says a writer, "they have never a shore nor a harbour to friend, and to keep where they are is great reason, for, if the Duke turn up, they can keep to windward and engage at their pleasure ; if the wind wester, they can engage as near as they please to their own coast."<sup>4</sup> For several days

<sup>1</sup> *Hist. MSS. Comm. : Le Fleming MSS.*, p. 92.

<sup>2</sup> *Cal. S. P., Dom.*, May 5, 6, and 9.

<sup>3</sup> *Ibid.*, May 10.

<sup>4</sup> *Ibid.* : Anthony Deane to Arlington.

the Dutch played hide-and-seek with the allied fleets. The wind favoured them, and remained north-easterly, so that the allies could make little headway, and despaired of an engagement in the Channel. For a few days De Ruyter was free to threaten the Thames. He detached a squadron, which nearly captured some of our reinforcements as they attempted to leave the river.<sup>1</sup> The enemy's squadron moved along the coast, off Longsand Head, or within a cannon-shot of Sheerness; they even came to an anchor, and so close that at low-tide a Vice-Admiral's ship went aground, but "she gott off the next day by a spring tide, and gott up to the rest of their fleet."<sup>2</sup>

Meanwhile the English and French were "forced to tyde it up to Dover," and as they approached, De Ruyter disappeared to the northward. The allies beat slowly along the Channel in the teeth of a strong breeze. At length, on May 16, they were off the North Foreland. That same evening some Dutch scouts appeared, and exchanged shots with the *Prince*, but did not come within reach of her guns.<sup>3</sup>

The appearance of the enemy's frigates caused some consternation. The Duke was uncertain of the Dutch movements and of the station of their fleet. He was in a position unfavourable to action, riding off the North Foreland, "in the Narrow among the sands." He called a council of war to consider the situation. The discussion was lengthy and important; the missing journal alone could tell the story, but there is a brief account of the council by Francis Digby. Inference shows the trend of the discussion. There must have been a strong party among the flag-officers

<sup>1</sup> *Cal. S. P., Dom.*, May 14; *Hatton Correspondence* (Camden Society), i. 85.

<sup>2</sup> *Hist. MSS. Comm.: Marquess of Bath's MSS.*, Report IV., p. 228.

<sup>3</sup> *Cal. S. P., Dom.*, May 17.



who wished to await the enemy and to guard the Thames. They relied upon mere bravado to counteract engaging upon a manifest disadvantage. "In this occasion," says the writer, "Lord Sandwich has given such advice as became a wise and gallant seaman, and perhaps has hindered us from running into a thousand inconveniences, which domestic advisers are always ready by an appearance of courage to draw us into."<sup>1</sup> He said that fighting the Dutch upon their own coasts was a course which the sane sailor avoided; to fight them near the Goodwins was no less dangerous. Despite those who were ready to run this risk, the Vice-Admiral's counsel was taken, and that same afternoon the fleet sailed eastward, and thus compelled the enemy to draw into the open sea.<sup>2</sup>

The advice which Sandwich gave was sound and seaman-like, and decidedly in accord with the strategy of the campaign. The King had written an outline of his plans, which he further communicated to the flag-officers at Portsmouth. The letter has not come to light, but the French Admiral has given the gist of the King's conversation. After some comments, evidently intended for a warning to d'Estrées, Charles expounded his scheme. Every attempt was to be made to deny to the Dutch the advantage of fighting on their own coasts, where they were familiar with every shoal and every channel, and where they had removed all their buoys and landmarks.<sup>3</sup> Bestride their communications, and they were forced to give battle or to suffer great loss of trade. The English fleet, provisioned for two months, was to anchor upon

<sup>1</sup> *Cal. S. P., Dom.*, May 17. The original is in *S. P., Dom.*: *Charles II.*, ccviii. 204. Sandwich's captain also says that we judged the Dutch design was to engage us among the sands. "Possibly," he adds, "they may be deceived in their expectations" (*Brit. Mus. : Egerton MSS.*, 2521, f. 23).

<sup>2</sup> *Cal. S. P., Dom.*, May 17.

<sup>3</sup> *Ibid.*, April 28.

the Dogger Bank, and there await the Dutch East Indiamen. If this tempted the enemy from their harbours, an engagement would be fought in the open sea; and if the Dutch adopted a defensive policy, their richest fleet of merchantmen was doomed to capture. As in 1665, the coasts of Holland were to be avoided, for there a decisive action was impossible; if the battle proved unfavourable to the enemy, they had a sure retreat the moment fortune turned against them.<sup>1</sup> Our strategy was sound, but we were not fully prepared for its execution.

<sup>1</sup> Eugène Sue, *Histoire de la Marine Française*, ii. 355. There is (in *S. P., Dom.*, May 2) a memorandum from Philip Holland to the King which sets out the strategy almost exactly. He dwells upon the need of having good scouts, and the necessity of a speedy junction with the French. An engagement should only be undertaken when we were at a great advantage, for it was De Ruyter's policy to fight us at a distance, spoil our men, and destroy our masts and rigging. He advised our fleet to await the motions of the enemy, and to avoid engaging in the narrow seas. The Dutch had been at great expense to set out their fleet, and waiting would wear them out; their weariness would be doubled if the French were successful on land. Philip Holland was one of the old school, a friend of Pepys and of Cuttance. He had at one time served under Sandwich (see Pepys's *Diary*, June 3, 1660). On April 20, 1672, he was called from Flanders to give the King intelligence. Eight days later a warrant was issued for his arrest, as one who served the Dutch during the late war. He was a Dissenter (Pepys's *Diary*, April 24, 1663), and when his conscience was satisfied by the Declaration of Indulgence he may have condoned his former lapse of loyalty, and obtained his release by providing Charles with a valuable memorandum, based on experience.

## II. THE BATTLE OF SOUTHWOLD BAY.

“To the honour of God omnipotent, and in memorial of the blessed Martyr St. George, tye about thy leg for thy renown this Noble Garter; wear it as the symbol of the Most Illustrious Order, never to be forgotten or laid aside, that thereby thou mayst be admonished to be courageous, and having undertaken a just war in which thou shalt be engaged, thou mayst stand firm, valiantly fight, and successfully conquer.”—*Admonition at the Investiture of the Garter.*

Now that an engagement was imminent, the allied fleets sailed in order of battle. The French had the van, and formed the White Squadron, with the Comte d'Estrées as Admiral, and Du Quesne and de Rabesnières as his seconds. The centre, or Red Squadron, was commanded by the Duke of York in the *Royal Prince*; his Vice-Admiral was Sir Edward Spragge, his Rear-Admiral Sir John Harman. The Blue Squadron was commanded by the Earl of Sandwich, with his flag in the *Royal James*; his Vice-Admiral, Sir John Kempthorne, sailed in the *St. Andrew*, and his Rear-Admiral, Sir Joseph Jordan, was in the *Sovereign*. On May 18 the combined fleets numbered about seventy ships, but within the next ten days this number was gradually increased.

For some days the Dutch fleet had been lying out beyond Orford Ness, well in sight of land. Their scouts had advised them of the English movements, and during the night of May 18 they stole away. When the day came, only the hindmost of their ships could be seen from the coast. Meanwhile a fresh westerly gale brought our ships along, heading for the open sea, and on the look-out for the enemy. The French were in the van, Sandwich and his squadron in the rear. Our fleet was reinforced by the *Gloucester* and her companions, free at length to leave the river.<sup>1</sup>

<sup>1</sup> *Cal. S. P., Dom.*, May 19.

The wind was still favourable, the sea was smooth. Chests and hammocks were put in the hold; cabins, tables, and all such "trumpetry," were thrown overboard, and the decks cleared for action. The men were cheerful, and of a temper which gave great assurance of success.<sup>1</sup> We had the weather-gauge, and nightfall found us within three miles of the enemy, "our van against their van, and our body against their body."<sup>2</sup> The Dutch tacked; we tacked and stood along with them, fearing the White Banks of Flanders, and yet unwilling to lose the chance of an engagement.

The night was all confusion. Yachts were sent ahead to sound and make signals; both sides burned false fires, and the blue flames shot up in the darkness to lure and bewilder the opponent. Bullets from the Dutch guns sang as they passed through our rigging. Day dawned, the wind south-westerly, and with it a thick fog. The ships were invisible to one another, and the line was preserved by the glare of lights; muskets were fired, bells were rung, and drums beaten.<sup>3</sup>

About nine in the morning—May 20—the wind changed, and blew fiercely from the north-west. The mist was dispersed, and the Dutch fleet could be seen about three leagues astern. The English tacked again and stood with them, but wind and sea prevented an engagement; the waves were so high that steady shooting was impossible.<sup>4</sup> The westerly breeze favoured the enemy, and they made for the shoals of Holland, in the vain hope that we might be drawn foul of their banks. But the old thoroughness of the Commonwealth navy prevented disaster. On the previous day Sandwich and his captain had advertised

<sup>1</sup> *Cal. S. P., Dom.*, May 21.

<sup>2</sup> *Narborough's Journal.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *S. P., Dom.*: *Charles II.*, cccix. 91.

the Duke of certain dangers, especially of a sand "known by few of our pilots . . . it being out of the Tradeway for the English." A master-gunner on board the *Prince* was able to confirm the warning, and caution prevailed.<sup>1</sup> A watch was kept on the Dutch fleet, and when their ships drew nearer and nearer to the coast the allies put about and set sail. The hurried preparations had given little time for proper victualling, and it was necessary, if an engagement were delayed, to take in a further stock of provisions. So on May 21 the allied fleets dropped anchor in Southwold Bay.<sup>2</sup>

At least a month's victuals were needed, before we took up our station upon the Dogger Bank to command the approaches to Holland and to force De Ruyter out to sea. A great attempt was made to remedy the deficiencies. The vessels took in water and food, signals and colours. Several ships still lacked their full complement of men, and the press sent down more recruits. Pilots were needed for the French. The time for equipment was short enough, for the report soon came that De Ruyter was out once more. On May 24 he was seen off the North Foreland, sailing towards the Kentish Knock, and two vessels, the *Falcon* and *Phœnix*, were actually chased. Our merchantmen in the Channel were warned to return to Portsmouth. There was real danger, for, since the wind was easterly, the Dutch had a mind to attack us, and bore north-eastwards towards the Maas, while they sent out scouts in order to ascertain our position.<sup>3</sup>

<sup>1</sup> J. S. Clarke, *Life of James II.*, i. 459.

<sup>2</sup> *Cal. S. P., Dom.*, May 21: Log of the *Prince*. In Laird Clowes's *Royal Navy*, ii. 302, it is stated that De Ruyter was anxious to engage the allies, and that the Duke anchored in Solebay instead of following up the enemy. The refusal of the Duke to attack close to the Dutch coast was in accordance with the plan of campaign, for an engagement was desired either in the Channel or well out in the North Sea.

<sup>3</sup> *Cal. S. P., Dom.*, May 24 and 25.

•Their movements deceived the English ; Haddock, who was captain of the *Royal James*, wrote on May 25 saying that we were "very near ready," and expected to stay some days longer off Southwold, till the preparations were complete.<sup>1</sup> Sandwich, his Admiral, had already given a general warning against the danger of our being caught among the shoals and sands, but his warning was gradually neglected. Our scouting was defective, and hampered by contrary winds, while De Ruyter's scouts were highly efficient. For two days the Dutch vanished, and during those two days the English vessels rode unmoored, and kept watch in case of surprise.<sup>2</sup> Then came the fatal lapse. It was reported that the Dutch were riding near their own coast.<sup>3</sup> Caution was thrown to the winds. Faith in the inaction of the enemy percolated through the fleet : many "had soe little expectation of, or preparation for fighting, that my Lord Howard, who had been on board and intended to be in at fighting, and several other Lords, English and some French officers went to Harwich to receive a treat there made."<sup>4</sup> But here, if De Ruyter intended to attack, were the very conditions which we should have foreseen. The wind was varied, but "hanging northerly"; and our ships were crowded together. It was a time to weigh anchor and to get well outside the bay.

Instead of the fleet moving towards a better position, an irreparable mistake was made. The blame for this lies less upon the shoulders of James than of his captain, Sir John Cox ; and Cox in his turn was misled by the inaccuracies of our scouts. The Duke had declared for getting out to sea, and had ordered

<sup>1</sup> *Brit. Mus. : Egerton MSS.*, 2521, f. 27.

<sup>2</sup> *Narborough's Journal*.

<sup>3</sup> *Cal. S. P., Dom.*, May 27 : Wickens to Hicks.

<sup>4</sup> *Mount Edgcumbe MSS.*, Letter 148.



that no collier nor trading-ship should be permitted to go round the fleet, lest the enemy should be advertised of our anchorage; but a collier slipped by us in the night, and was captured by the Dutch, who thus obtained the information they required. A story no less fatal to the English was brought by a packet-boat; the master declared that the Dutch were off Goree, and engaged in taking in supplies. One of our cruiser captains, Finch, came in and brought no news of the enemy.<sup>1</sup> For the past two days James had opposed the mooring of the fleet, and kept a good watch.<sup>2</sup> But on May 27 he allowed himself to be overruled; the fleet was delayed for another twenty-four hours, and the *Prince* herself put on the careen.<sup>3</sup>

Against this heedless action Sandwich possibly entered a protest. The evidence varies in regard to the manner and the matter. D'Estrées speaks of his protest at a council of war,<sup>4</sup> but the log-books and journals do not mention one being held upon that particular day. Round the story of a council there has been woven a tapestry of detail, in which Sandwich is pictured as the advocate of a cautious policy, and James as stating that such counsel was born of fear rather than of prudence. The evidence for all this is of the slightest.<sup>5</sup> The

<sup>1</sup> J. Macpherson, *Memoirs relating to the Life of James II.*, i. 61. These contain a series of memoirs drawn up from the papers left by James.

<sup>2</sup> Narborough's *Journal*, which in the main corroborates the above.

<sup>3</sup> *Ibid.* To careen, the ship was heaved down on one side by arranging the ballast, etc., for purposes of cleaning or repair. See Smyth's *Sailor's Word-Book*.

<sup>4</sup> Sue, *Histoire de la Marine Française*. Sue's long conversations are purely imaginary; his documents are valuable.

<sup>5</sup> See Sir John Laughton's article on Sandwich in the *Dict. Nat. Biog.* The story owes its currency to Burnet (*Hist. of His Own Time*), and has been charily repeated by many historians—e.g., Samuel Collier, *Columna Rostrata*, p. 217. It is not in the least consistent with the general behaviour of Sandwich, nor does any evidence bear Burnet out. The statement that Sandwich suggested as an alternative "drawing nearer the shore" deprives Burnet's story of all credit.

council in question was probably that which took place ten days before; another council would hardly have been held at such a juncture, after the mischief was done. The action of Cox was in direct defiance of the general strategy and conduct laid down, and was opposed to the advice given by Sandwich, and this must have discontented and disturbed him. He may have made an informal expostulation, and probably did so. His attitude was grave. "He dined in Mr. Digby's ship," says a witness, "the day before the battle, when nobody dreamt of fighting, and showed a gloomy discontent so contrary to his usual cheerful humour, that we even then all took notice of it, but much more afterwards."<sup>1</sup> And truly Sandwich had good cause for his despondency. Within a few hours of his return to the *Royal James* his fears were justified.

At early dawn the fleet was aroused by the news that the enemy was at hand. Sandwich, after a restless night, sprang up upon the first alarm. He dressed with the greatest care, and put on the trappings of a Knight of the Garter, but without the mantle. His sword was at his side, his hair was tied back with ribbon, and on his head was a large black plumed hat. He carried a jewelled watch, and wore several rings: two were of sapphires, richly set; and there was a quaint seaman-like ring which contained a small compass. Round him was the rich blue ribbon of the Order; the star was fastened upon his breast; the jewelled collar and the George were about his neck. As his secretary, Valevin, affixed the insignia, Sandwich complained that he had been charged with a want of

<sup>1</sup> John Sheffield, Earl of Mulgrave, and later, Duke of Buckingham, *Memoirs*, p. 13. He served in the Dutch wars, and was present at the Battle of Solebay; his memoirs contain a description of the fight.

courage, and that he was determined that day to wipe off such a stain. As he left the cabin, he turned and said: "Now, Val, I must be sacrificed."<sup>1</sup>

He had at least a position in which to vindicate his honour. His vessels lay to the north, nearest the enemy; the Red Squadron was in the centre, and to the south lay D'Estrées with the White.<sup>2</sup> On May 28, some hours before dawn, the Dutch sailed slowly to the attack. A French frigate discovered them, and fired off her guns to give the alarm.<sup>3</sup> The bulk of the allied fleet was unready, the Duke's flagship still getting her "pair of boot-hose tops."<sup>4</sup> In the darkness we were caught napping, and when the sun rose the Dutch were already on the horizon, with the wind in their favour. At five o'clock the Duke gave the

<sup>1</sup> The anecdote will be found in the *Naval Chronicle*, xxii. 23. The charge of cowardice had been brought against him by Albemarle. See Evelyn's *Diary*, May 31.

<sup>2</sup> Mr. Julian Corbett estimates the strength of the English fleet at seventy-one ships of over forty guns. There were several late arrivals, and the order does not seem to have been so well settled as in 1665. The Dutch had sixty-one battle units and various auxiliaries.

Lists of our fleet are numerous. Narborough's *Journal*, f. 88, gives the fleet in squadrons. See also *Cal. S. P., Dom.*, April 15, 1672. In the *Mount Edgcumbe MSS.* there are some variations, and a list of the fire-ships which accompanied the fleet. The Red Squadron had the *Supply*, the *Arzicot*, the *Castle*, the *Bantam*, *Nightingale*, *Fanfan*, the *Anna* and *Christopher*, and the *Portsmouth* sloop. The Blue had the *Francis*, *Mermaid*, *Enisworth*, the *Alice* and *Francis*, the *Rachel*, the *Holmes*, the *Suffolk*, and the *Pearl*. This list is dated April 30, before the junction with the French. At that time the Red Squadron had the van, and Sandwich "the battalion." The list is said to be drawn up "in the order the ships are to fight in," and the order of the Blue Squadron is reversed. Jordan's division is in the van, Kempthorne's in the rear. The *Holmes* was not in time for the action of May 28. See *Cal. S. P., Dom.*, May 28: Perriman to the Navy Commissioners.

<sup>3</sup> Narborough's *Journal*. According to the Hampton Court tapestry, she used her long-distance signal for the enemy's fleet, and showed their bearing.

<sup>4</sup> A hurried cleaning of the sides of the vessels, "scraping off the grass, slime, shells, etc., which adhere to the bottom, near the surface of the water, and daubing it over with a mixture of tallow, sulphur, and resin, as a temporary protection against worms" (Smyth, *Sailor's Word-Book*).

signal to weigh, and half an hour later the fleet was under sail, the Blue Squadron as the van, and the French in the rear.

For a time all was haste and confusion. Most of the fire-ships and smaller craft were riding near the shore. Numbers of the seamen were still in Southwold, enjoying a carouse, and a bailiff was sent round "to see them put out of all ale houses and tippling houses." The laggards were commanded, on pain of death, to be gone, for the enemy was almost up with their ships. Several skulked away and hid about the town; the rest obeyed the beating of the drums, tumbled into the boats, rowed hard towards the fleet, and clambered on board their vessels. The shrill whistle of the boatswain piped the orders; sailors hoisted the sails and heaved up the anchors. When the fight began, some vessels were scarcely clear, but others succeeded in getting under way without either slipping or cutting their cables.<sup>1</sup>

Owing to this unreadiness the whole order was reversed, and the van of each squadron became the rear. They were penned up close to their own coast, and some of the vessels stood with their heads to the shore.<sup>2</sup> They lacked room to manœuvre with any freedom, and, throughout the day, so light was the wind that our ships could not work.<sup>3</sup> The French mistook the signals, and went away to the south; the Duke's squadron worked towards the north. Sandwich endeavoured to get clear away upon the starboard

<sup>1</sup> *Cal. S. P., Dom.*, May 28. Sir R. Cary, who saw the beginning of the action, stated that the Blue Squadron was in line. Other accounts contradict this.

*Hist. MSS. Comm.: Dartmouth MSS.*, p. 6. It has been suggested that James reversed the line at the last moment in order not to give the French the honour of leading. See also Mr. Corbett's *Notes on Solebay*.

<sup>3</sup> *Cal. S. P., Dom.*, May 29.

tack, also in a northerly direction ; since the line was reversed, his Rear-Admiral, Jordan, was ahead, and his Vice-Admiral, Kempthorne, was astern. The Blue Squadron was in some sort of order ; and the Admiral's flagship, the *Royal James*, was one of those nearest the enemy.<sup>1</sup> Thus it chanced that Sandwich and his seconds bore the brunt of the first onslaught.

While the allies endeavoured to form the line of battle, De Ruyter bore down upon them "like a torrent." His three squadrons were in line abreast, the wind and the sun fair behind them.<sup>2</sup> Van Ghent was on the right, De Ruyter in the centre, and Banckers on the left. In the van of each of the squadrons were three frigates and three "most perilous fire-ships," the size of our fourth and fifth rate frigates. Each division of the squadrons was preceded by a "forlorn" of two ships of war and two fire-ships, whose business it was to throw the enemy's line into confusion.<sup>3</sup> The sailors who manned them were bribed by rewards for any mischief done to an Admiral, and their temper was sharpened by instructions, "minatory in case of slothful action."<sup>4</sup> To emphasize the importance of the contest, Johan De Witt was in De Ruyter's flagship, whence he could watch the fortunes of the day. The representative of the civil power was guarded by halberdiers in uniforms of red and yellow, and his green velvet chair of state was placed upon the poop. As De Ruyter came upon the English he again exhorted his men to deeds of valour, and drew lurid pictures of the fate of the defeated.

<sup>1</sup> *Hist. MSS. Comm. : Dartmouth MSS.*, p. 14 (Sir R. Haddock's account of the battle). The account is also printed in *Archæologia*, vol. xvii., with certain variants.

<sup>2</sup> The wind was N.E., but later shifted E. or E. by S.

<sup>3</sup> J. S. Corbett, *Note on Solcbay*.

<sup>4</sup> *Cal. S. P., Dom.*, April 16 and May 13.

He had instructed his captains to concentrate on a definite opponent; and the feeling that every man, as well as every vessel, had his particular enemy gave the battle singular determination. From the first possible moment a desperately close attack was made; there was a brief prelude by the great guns, and the battle was joined.

The line was so ordered that as the fleets engaged Banckers turned southward to watch the French; Van Ghent attacked the Blue, and De Ruyter bore down upon the Red Squadron. As the *Zeven Provinzien* approached the English, De Ruyter commanded his pilot to lay him alongside the *Royal Prince*. The Duke's ship was then working into the line. When the enemy was signalled she was quickly righted, and now sailed slowly on, her head towards the north-east. It was about eight o'clock when De Ruyter and his seconds came upon her. Astern of the *Prince* was the *Victory*, and the *Bantam* and *St. Michael* supported her. De Ruyter and Van Nes brought to, with their starboard tacks on board, came within musket-shot, and stood with the flagship. At first the English expected the enemy to board, but it was soon seen that it was his intention to disable the *Prince*, and then to set her on fire. About half-past eight two fire-ships were sighted coming through the smoke. They had boats ahead to tow them along; when it was calm, "one of them rowed with oars also to endeavour to lay us on board."<sup>1</sup> The first of the fire-ships was quickly sunk, the other driven off. But nothing could stay the Dutch attack, and the *Royal Prince* suffered severely. Bullets, balls, and chain-shot, cut the rigging and swept over her decks. A shot whizzed close to the Duke, killed his captain, and a volunteer who was standing by. An

<sup>1</sup> *Hist. MSS. Comm.*: *Dartmouth MSS.*, pp. 20, 21.



hour of close fighting gradually disabled the vessel, and before eleven o'clock her main topmast was shot by the board, her shrouds, her rigging, and her sails, were torn to pieces, and she had lost 200 men.<sup>1</sup>

By this time the vessel was so damaged that James decided to quit her, in order that she might be taken out of the line and refit. He and some of his staff slipped into a yacht, sailed to the *St. Michael*, and there hoisted the standard. In the dense smoke the change was unperceived; the Red Squadron still looked towards the *Royal Prince*, and the enemy still surrounded her. By good fortune the wind dropped, and for a time the attack was less severe. At length the Dutch caught sight of the standard, and turned upon the *St. Michael*. She was in but twelve fathoms of water, and near the Red Sand. The Duke's pilot had hardly ordered the vessel to tack, when a shot killed him. Then Sir Robert Holmes's pilot took the ship in hand. She was put about, and stood away towards the south.<sup>2</sup> A pinnace was sent round in order to collect the stragglers and tell them of the change of flag. The *St. Michael* was in good condition, and gradually overhauled the Dutch; she stood in between the enemy's ships in an effort to divide them; on the leeward was De Ruyter's squadron, on the windward were some of the vessels from Van Ghent's. Neither the Duke nor his opponents had much semblance of a line, and the struggle soon resolved itself into a mêlée.

It was then close on noon, and the enemy were working towards their own coasts. About ten miles of sea, between Southwold and Lowestoft, had been covered during the engagement; at first the battle

<sup>1</sup> J. S. Clarke, *Life of James II.*, i. 466.

<sup>2</sup> *Hist. MSS. Comm.: Dartmouth MSS.*, p. 21. There are many inconsistencies in the accounts.

had moved towards the north, but now the vessels had put about, and most of them were heading southward. As they endeavoured to regain their respective lines, there was a brief interval in the firing, and this afforded a few moments in which the scene could be surveyed. When the smoke rolled away, Sandwich's flagship, the *Royal James*, could be discerned lying to the northward of the main battle. It was evident that the day had gone hardly with her, for the whole vessel was ablaze, and the sea was covered with her men. James ordered the *Dartmouth* to stand by, and pick up the wretches who were trying to save themselves by swimming, or were clinging to the broken spars and pieces of timber. From some of those who survived, the Duke learned the fate of the Blue Squadron.

The story which he heard was one of gallantry, for the Blue had endured the fiercest onslaught. When the battle began, Van Ghent bore down upon Sandwich and Kempthorne, and allowed Jordan and his division to slip away towards the north. As early as six o'clock—two hours before the Red Squadron engaged—the combatants were but a league apart, and about a quarter to seven the battle began in earnest. Van Ghent had placed his squadron within musket-shot, turned the heads of his vessels towards the north, and brought his broadsides to bear on the Blue. The *Royal James*, the *Henry*, and another of Sandwich's seconds, sustained the first shock of the Dutch fleet.<sup>1</sup> The flagship was marked out for a concentrated attack. She was a fine vessel of 100 guns, and carried nearly ten times that number of seamen. Since Sandwich

<sup>1</sup> In the *Mount Edgcumbe MSS.*, Letter 148, the vessel is said to have been the *Royal Katherine*, but in Van de Velde's drawing she is shown among the Red Squadron. In the same MSS., Letter 155, mention is made of the *Richmond* (a fifth-rate) as helping Sandwich. See also *Dartmouth MSS.*, p. 22, where some confusion is shown.

was prepared to sell his life dearly, he and his men fought a desperate fight.

For the first hour and a half the vessel was hotly engaged by Van Ghent. The struggle was terrific. The whole country-side was covered with smoke and steeped in the stench of powder. The windows in Southwold and Aldeburgh were shaken by the continued cannonade; the guns were heard at Sheerness, and on the packet which plied between Dover and Calais. The sea, said one, "was as calm as a milk-bowl." "When the wind sometimes blew away the smoke, it was so clear a sun-shiny day," said another eyewitness, "that we could easily perceive the bullets (that were half spent) fall in the water, and from thence bound up again among us."<sup>1</sup> But the lulls were very brief. The great guns were rested from time to time; the smaller kept up a continuous thunder. Van Ghent assailed the *Royal James* with two of his vessels, the "forlorns," and then sent two fire-ships down upon her. They were met by a terrible cannonade: the first was fired before she could do any damage; the second had her yards shot away, and drifted harmlessly aside.

While the flagship parried this attack, the *Henry* was taken. Numbers of fire-ships had been sent upon her, but without effect. At length the Dutch boarded. Digby, the captain, was slain just as he was dashing to the bowsprit in order to repel the enemy. His vessel was for a time in Dutch hands, but the bravery and courage of the surviving officers enabled her to be retaken.<sup>2</sup> Her capture was a serious blow to Sandwich, who watched it from the poop of his ship. Deprived of the help of his second ahead, he was more and more at the mercy of Van Ghent. His vessel was

<sup>1</sup> Sheffield, *Memoirs*, p. 15.

<sup>2</sup> *Cal. S. P., Dom.*, May 28 to 31.

so deep into the Dutch fleet "that she never had less than three or four of their stoutest ships on her," and so severe were the odds that he sent to inquire why he was not supported. He succeeded in putting off a barge with a message for Jordan, telling him to tack and weather the Dutch, and try to beat them to leeward of the flagship. At the same time a pinnace was sent to command those ships which were astern to come to the Admiral's assistance, but the pinnace was either taken or sunk, and Kempthorne never received the message. Earlier in the day he had seen the *Royal James* with a vessel close upon her; but, blinded by the smoke, he concluded that the smaller vessel was one of our own line. He thought that something might be amiss, for at the same time he commanded the boatswain of the *Mary Rose* "to row on board my Lord of Sandwich to see what the matter was, and give him his assistance, we standing away with an easy sail."<sup>1</sup>

It was about nine o'clock when Sandwich dispatched his message. The first stage of the attack was over, and now the flagship was faced by a more determined enemy. In Van Ghent's squadron was Captain Van Brakel, hero of the raid on Chatham. Ignoring the protests of his Admiral, he broke out of the Dutch line, and steered his ship, the *Groot Hollandia*, a second-rate, down upon the *Royal James*.<sup>2</sup> The Dutchman came with a crash athwart her hawse; in a few moments the rigging of both vessels became inextricably entangled. Sandwich and his captain endeavoured to prevent this by wearing two or three points from the wind, but the strong flood-tide jammed the enemy right under the

<sup>1</sup> *Hist. MSS. Comm.: Dartmouth MSS.*, p. 19.

<sup>2</sup> De Jonge (*op. cit.*) says that Van Brakel's attack was "meer aan zijne onbepaalde stoutheid den aan de regelen der krijgstuicht gehoor gevende."

figure-head of the flagship. The smaller vessel raked the Admiral from stem to stern, and lay in a cranny, so that Sandwich could only make use of his lower tier of guns; but he received the enemy with such a hail of musket-shot that the falling bullets, said a witness, made the sea boil as though filled with whales. Flame and fire were on all hands; the *James* was so enveloped in smoke that nothing but her flag was visible.<sup>1</sup> Every attempt was made to part the vessels, but the smaller one clung with the tenacity of a weasel. Our sailors hacked at the spars and rigging, but the tangle held. Man after man fell from the yards; man after man dropped dead near the guns. The wounded writhed upon the slippery decks; their blood poured down the scuppers and stained the sea. So desperate was the case that Sandwich was for boarding the enemy; he was ready to offer £10 a man to those who would enter her, but his captain dissuaded him.<sup>2</sup> The loss of life was already great, he said; 300 men were slain or disabled, and the attempt would have cost 100 more. Had their fire slackened, the enemy would have been encouraged to attack with redoubled vigour. "My Lord was satisfied with my reasons," said Haddock, "and resolved we should cuff it out to the last man."

So far Sandwich had not ceased to hope for the assistance which he so sadly needed. He had fought the *Groot Hollandia* for upwards of an hour, but then Van Ghent reinforced Van Brakel, and came up in his own vessel. He ranged himself on the starboard side of the *Royal James*, swept her decks with a volley of small shot, and then poured in a broadside. So many seamen were slain that the upper tier of guns was

<sup>1</sup> Brandt, *Vie de Ruyter*, p. 479; *Cal. S. P., Dom.*, May 29: Lucas to Herne.

<sup>2</sup> *Cal. S. P., Dom.*, May 31: Lyttleton to Williamson, etc.

silenced, but the flagship made shift to reply, and paid the Dutchman with her middle and lower tiers. The Dutchman then passed ahead, came to leeward, and began again. By this time the *Royal James* was in a desperate plight. Her losses were terrible, and, to crown her misfortunes, Captain Haddock was wounded by a chance bullet fired from the maintop of Van Ghent's vessel.

After this disaster there came a momentary gleam of hope, for Jordan and his squadron were seen approaching. But the hope was short-lived. The message which Sandwich sent had not miscarried, and an endeavour was made to get the wind of the enemy; but "in the smoke and hurry," says Jordan, "we could not well discern what was done to leeward." The very moment he was needed, Jordan tacked, in order to weather the enemy. His course led him near the *Royal James*, and about eleven o'clock he passed her, some little distance away, and on his starboard side. The constant flashes and great clouds of smoke hindered his view. He saw some ships on fire, and some sinking; these he judged were the enemy's, and so sailed on.<sup>1</sup> His movements were observed from the *Royal James*, and it seemed to Haddock that he passed by them "very unkindly." His disappearance was indeed a sad blow. Sandwich, who had seen Jordan come close and then disappear, turned to his captain and said quietly: "We must do our best to defend ourselves alone."

Once all hope of assistance had gone, there was nothing left but a hand-to-hand struggle. The con-

<sup>1</sup> *Hist. MSS. Comm.: Dartmouth MSS.*, pp. 17, 18. This is Jordan's own account, but it is not a satisfactory defence of his action. A discussion of the matter will be found in Charnock, *Biographia Navalis*, i. 110. Haddock thought that Jordan had made his first care the safety of the Duke of York, and had therefore neglected his own Admiral.



fusion, fire, and smoke, made signals impossible; some of the boats belonging to the *Royal James* were still ashore, and those which had been sent off with messages had not returned. The Admiral's difficulties were increased, for Haddock was obliged to go below in order that his wound might be dressed, and the conduct of the ship was given to Lieutenant Mayo. With his officers one by one put out of action, Sandwich continued to "knock it out" by himself. Then came a moment of success, for one of the shots from the *Royal James* killed Van Ghent, and temporarily checked his vessel; but the *Groot Hollandia* was still entangled in the rigging, and still raking Sandwich at close quarters. At length Haddock sent up a message that the flood-tide was spent, and told the Earl to cast out an anchor. It was impossible to do this except at the stern, and a small anchor was dropped, "one fixed for such accidents out of the gunroom."<sup>1</sup> The great vessel began to shake herself free, but the shrouds were still entangled, and sailors were sent aloft to hack at the Dutchman. Carrying their knives and pistols, they boarded her, cut clear the rigging, and then escaped. Three men, more daring than the rest, tore down the enemy's flag just as the vessels parted, and the sailors were left prisoners.<sup>2</sup> They had done their work; their heroism extorted applause from the Dutch, and proved serviceable to the English. Sandwich ordered the mainsail to be loosened and the cable cut; he prepared to get clear of his enemy and to gain more room for his fire.

<sup>1</sup> Macpherson, *Memoirs of James II.*, i. 64. The Duke points out that by coming to anchor the *Royal James* was held, while her squadron drove farther away and the enemy came nearer to her.

<sup>2</sup> *S. P., For. : Holland*, clxxxviii., f. 270. One of the seamen took the flag; the captain did not do them any harm, but said he would reward them with 100 ducats to encourage his own men.



THE BATTLE OF SOLEBAY

MAY 28, 1672

*From a painting by Willem Van de Velde*

To face p. 276 of Vol. II



He then sent down a message to Haddock saying that the *Royal James* might yet be saved. But the vessel was not even the button upon Fortune's cap; at the moment she was released from the grip of the *Groot Hollandia*, a sailor quartered on the maintop warned Sandwich of a new danger. Coming up in the smoke of another vessel, a fire-ship was upon them before they were aware of her. The fire-ship was commanded by Van de Rijn, who had cut the chain at Chatham. An endeavour was made to bear up, but the *Royal James* was so disabled that she could not escape. In a few moments the fire-ship had grappled her, and the flagship was in a blaze. Nothing could be done. The light breeze fanned the flames, which licked along the woodwork. Out of a thousand men, only about a hundred were left unharmed, and these were insufficient to cope with a further onslaught. Sandwich, wounded by splinters in his thigh and arm, stood upon the quarter-deck and surveyed the ruin of his splendid ship. By him stood young Charles Harbord, Clem Cotterell, and three or four more. They entreated him, while there was yet time, to leave the vessel; but he stood firm, and ordered the men to save themselves as best they could. Many leaped overboard; some clambered into a barge which sank with their weight.<sup>1</sup> Haddock crept out of a port-hole, and swam for two miles before an English ship took him in. Another survivor, once a page to my Lord, swam for miles. "He said that he stayed aboard while the ship was burning, and there were but ten besides my Lord. He moved my Lord to leap into the sea, knowing he could swim; but my Lord distrusting himself by reason of his fatness and unwieldiness said he would stay somewhat longer; but bad him to take

<sup>1</sup> *Cal. S. P., Dom.*, May 31.

care of himself . . . and soon kissed him and bad him farewell." <sup>1</sup> About twelve o'clock the ship was untenable. She and her gallant Admiral had done their work; their initial resistance had demoralized Van Ghent's squadron, afforded a breathing-space to the Duke, and enabled the English fleet to attain some semblance of order.

The *Royal James* and her commander were at length alone. All day long, from the cliffs above Southwold and Dunwich, little knots of people watched the fires of the great vessel. At two o'clock in the afternoon she was a mass of flame, at four o'clock she was burned to the hull, at six o'clock only her woodwork was aglow. When the calm May night settled down in silence and covered the scene of the battle, a few embers flickered like a dying beacon, and lit up the wreckage scattered around the ruin. The watchers turned silently homewards, and awaited such news as the day would bring them.

<sup>1</sup> *Mount Edgcombe MSS.*, Letter 148.

## CHAPTER XVI

### THE FUNERAL AND AN EPILOGUE

“Sleepe after toyle, port after stormie seas,  
Ease after warre, death after life does greatly please.”

SPENSER : *Faerie Queene*, Book I., Canto 9.

THE battle of Southwold Bay did not run into a second span. After the loss of the *Royal James* the fleets drifted from the coast. The sound of the firing died away in the distance, and it was some time before the result was known and the story of the battle could be pieced together. It ran thus.

By midday the line was lost and all was confusion. For the remainder of the fight friend and foe were intermingled, and battered each other for the whole afternoon. The vessels were in batches of twos and threes. The *St. Michael*, the Duke's flagship, had a troublous time; for several hours she was busy warding off a succession of attacks which threatened her destruction. Gradually the Red Squadron reformed; the *Fairfax* and the *Victory* came astern, and there was hot work with musket, cannon, and fire-ship.<sup>1</sup> Then the *Cambridge* and *Resolution* got ahead of the *St. Michael*, and the line slowly came together; but the vessels were in such a parlous state, short of cartridges, and with leaking holds, that it looked as though the ships must needs give way. About five o'clock Sir Edward Spragge came to the rescue, and his

<sup>1</sup> *Hist. MSS. Comm.*: *Dartmouth MSS.*, p. 22.



squadron stretched ahead of the *St. Michael*. Her masts and rigging were in splinters, and she had five feet of water in the hold. She was compelled to bear out of the line in order to stop her leaks and to refit; the Duke transferred his flag to the *London*, and remained there during the rest of the engagement.

From that time onwards the fight gradually slackened. The fleets were then not far from the place where they first engaged, but wind and tide were bringing them slowly southwards within sight of Aldeburgh.<sup>1</sup> De Ruyter had already put out a signal, upon which all his squadron bore down to join the Zeelanders.<sup>2</sup> At the same time the Duke made an attempt to come in touch with d'Estrées. As the combatants got farther and farther apart, a desultory cannonade was kept up, which continued until nightfall. Those upon the shore heard the sound receding towards the enemy's coast. The Dutch ships stood for Holland, and the Duke, with about thirty sail, kept sight of their lights during the whole night. When day dawned it was thought that the engagement would be renewed.

The French, untouched and unharmed, then came up and joined their allies. About two o'clock on the Wednesday afternoon the Duke had the wind-gauge, and hoisted the red flag, the signal for an engagement. But a heavy fog came on, and the ships were only kept together by the continual firing of muskets, sounding of trumpets, and beating of drums. The wind which cleared away the mist was boisterous, and a further engagement was impossible.<sup>3</sup>

Despite the heavy losses of the English, the battle remained indecisive, with the balance in favour of the

<sup>1</sup> *Cal. S. P., Dom.*, May 28: Chaplin to Williamson.

<sup>2</sup> *Savile's Relation*.

<sup>3</sup> *Cal. S. P., Dom.*, June 1: Sir Jeremy Smyth's relation.

Dutch. The English had succeeded in drawing the enemy away from their coasts, but had been compelled themselves to fight at a disadvantage, and had not gained the desired victory. Although the French remained unharmed—for they had taken but little part in the fighting—the English were so damaged that the allied fleet was robbed of half its power. The allies were unable to hinder Dutch trade, and the scheme for pouring troops into Holland by sea was rendered impracticable.

The battle of Solebay will live in history as one of the fiercest in our annals. De Ruyter testified to the warmth of the engagement. Old seamen who had witnessed many a fight concluded that there was never so sharp a bout.<sup>1</sup> "'Tis generally said all former fighting on the part of the Dutch was but trifling in respect of this. They fought as if their country, liberty, and all were at stake."<sup>2</sup> The course of the battle made it peculiarly sanguinary. It was an affair of squadrons rather than of a line, and of single vessels rather than of squadrons. The English suffered most severely. The *Royal James* alone was a great loss, and three parts of her men were killed or drowned. Other vessels were battered in no ordinary degree. The *Henry* and the *Katherine* had scarcely a whole rope in them. "I find such a spectacle for damage of masts, yards and rigging," says a ship-builder, "as I never yet saw so bad."<sup>3</sup> The *Victory* had her shrouds "miserably cut," her masts shot down, her sails shot through and through; "and so payed away with shot in our hull, that we had near seven feet of water in the hold." The *Dover* and *Success*

<sup>1</sup> *Cal. S. P., Dom.*, May 28: Taylor to Williamson.

<sup>2</sup> *Mount Edgecumbe MSS.*, Letter 148.

<sup>3</sup> *Cal. S. P., Dom.*, May 30: Deane to Williamson.

were both disabled ; " their masts and all their rigging being torn to pieces, and the *Success* so leaky they are continually pumping to make her swim." The *Rainbow* was in a similar plight. For weeks the dockyards were busied with repairs.<sup>1</sup>

The Dutch had no loss so severe as that of the Blue flagship. A Dutch prize, brought in by the *Greenwich*, was much disabled ; her masts were shot overboard, and her hull much shattered.<sup>2</sup> Several other vessels suffered damage. Eleven fire-ships were burned or destroyed.<sup>3</sup> The *Staveren* was taken, the *Jozua* sunk, and another vessel was blown up. In men the Dutch losses were not considerable. Van Ghent was slain, and a captain died of his wounds. De Ruyter's son was also wounded, and a few officers, but none seriously. On the flagships the Dutch losses only averaged from thirty to forty men. The *Groot Hollandia* alone suffered heavily, in her duel with the *Royal James*. Jan van Brakel was wounded, his two lieutenants were killed, and about half of his three hundred sailors.<sup>4</sup> The English losses were infinitely heavier. The *Royal James* alone accounts for perhaps eight hundred. The officers and volunteers who were slain included Sir John Cox, Francis Digby, and Frescheville Holles. Above all came the loss of Lord Sandwich, which, as it was said, was enough almost to style it a victory for the Dutch.<sup>5</sup>

When the accounts of the battle were received, the news that Sandwich was dead became generally known. At first his friends had great hope that he had escaped. Some said that he was alive and on board the *London*. The same sailor who told the

<sup>1</sup> *Cal. S. P., Dom.*, May 29-31.

<sup>2</sup> *Ibid.*, May 29.

<sup>3</sup> De Jonge, *Geschiedenis*, etc., vol. iii., part i., p. 138.

<sup>4</sup> De Jonge, *Geschiedenis*, etc., vol. iii., part i., p. 140.

<sup>5</sup> Sheffield, *Memoirs*, p. 13.

story of the battle testified that he had seen the Admiral and his officers in the barge of the *Royal James*. Another sailor thought that he had seen Lord Sandwich in the water, but not moving.<sup>1</sup> Ten days after the battle came a report that he was a prisoner in Holland. "There is some small hopes of my Lord Sandwich yet being alive," wrote Philip Edgcumbe. "I wish my next may be the certain messenger of that news; though the condition of a prisoner (and especially of his quality) is sad, yet it were more comfortable than to be utterly deprived of him."<sup>2</sup> The survivors of the *Royal James* never imagined that the Earl was alive. Some had caught sight of him while the ship was ablaze, and seven or eight with him. All agreed that Sandwich was the last man seen on board. It was known that his captain and his two pages saved themselves by swimming, and got on board some vessel, but nothing further was seen of the Earl. How he actually came by his death none ever knew.

There is little doubt that his end was embittered by a sense of desertion, and he said so to those about him.<sup>3</sup> Jordan's action in passing by the *Royal James* had rankled. To some who saw the Rear-Admiral's conduct, it looked as though he were inactive. "I wished myself on him to have saved that brave Mountagu," said an eyewitness, "for he was in the wind of him, and might have come down to him. I saw the whole business, and was so near as I saw almost every broadside, and was in hearing and whistling of the shot."<sup>4</sup> The story of Jordan's conduct got abroad. Philip Edgcumbe said that Sandwich was "most

<sup>1</sup> *Cal. S. P., Dom.*, May 30 to June 1.

<sup>2</sup> *Mount Edgcumbe MSS.*, Letter 145.

<sup>3</sup> *Ibid.*, Letter 148.

<sup>4</sup> *Cal. S. P., Dom.*, May 29: Lucas to Herne.

unworthily deserted by Jordan and others, which I had confirmed by some captains of ships this day at the Navy Office. I am sorry that a person of his merit and value should be so deserted and betrayed.”<sup>1</sup>

How Lord Sandwich died is a matter of conjecture. It appears, however, that he waited until the vessel was nearly burned out, and then threw himself into the sea. Some say there were no boats at hand; others, that he was in a barge which sank by the weight of men who scrambled in. But some boats did get off. An Aldeburgh man who was in the *Royal James* escaped, and fourteen others with him. The hull of the flagship burned down to the sea; there was no explosion, for her powder was mostly spent, and that left in the hold was rendered damp by the water which poured in. Perhaps the Admiral waited until the flames made it impossible to stay longer, and then leaped overboard. He was a good swimmer, but his fatness made him scant and short of breath, and the waves must soon have mastered him. Whatever his end, he had, as he determined, vindicated his courage.

For many days his family was fed on rumour and kept in suspense. Lady Sandwich was at Hinchingsbrooke in a turmoil of doubt and grief. Her sister, Lady Wright, went down to do what she could to comfort her. At length one of my Lord's pages was able to take her definite news. On June 10 her husband's corpse was found off Harwich, some thirty miles from the scene of battle. A ketch, sweeping to recover the anchors which the *Gloucester* had left upon a sand, chanced upon the body.<sup>2</sup> The dead man was in appearance somewhat swollen, and the face

<sup>1</sup> *Mount Edgcumbe MSS.*, Letter 149. See also Evelyn's *Diary*, May 31, and Penn's *Memorials*, ii. 522.

<sup>2</sup> *Cal. S. P., Dom.*, June 10-15.

was crushed ; but there was no sign of fire ; he was neither singed nor scorched. The ribbon of the Garter was round his body, and the jewel and the star were upon his breast. The glorious blue sapphire and the rest of the rings were in his pocket.<sup>1</sup>

The body was carried to Landguard Fort, embalmed, and laid in the chapel. A covering was made of black baize, and some scutcheons bearing an Earl's coronet, and his arms, were hastily hung round the walls. The building was modestly decorated and draped in black. On June 19 the remains were prepared for their removal to London, and placed on board the *Fanfan*. The Mayor of Harwich, the magistrates, many of the principal townsmen, and the county gentlemen, attended the ceremony. The procession from the chapel to the waterside led through a lane of musketeers and pikemen.<sup>2</sup> As the boat containing the body moved away, three volleys were fired, and twenty-one great guns from the fort "in thunder rang his departing knell." A stiff breeze delayed the vessel, and it was not until June 22 that the cortège left Harwich.

For a few days the coffin lay at Deptford in preparation for the funeral, which took place upon July 3. The Thames made a fitting highway for a magnificent pageant. The procession passed through the reaches of the river from one village to another, where crowds of sight-seers lined the banks. London Bridge was thronged, and spectators peeped from the windows of its quaint houses. Slowly the barges came past Somerset House, past the palaces of the Savoy, and the beautiful water-gates fashioned by Inigo Jones. The procession was headed by a barge, draped in

<sup>1</sup> *Mount Edgcumbe MSS.*, Letter 148 ; *Hatton Correspondence*, i. 89.

<sup>2</sup> *Cal. S. P., Dom.*, June 20 ; *Hatton Correspondence*, i. 90.



black, with the standard at the head and the guidon at the door. In this barge were some of Sandwich's servants, two pursuivants of arms, the drum-major, and fifers and trumpeters, who played a solemn dirge. In the second barge were the heralds; a great banner was at the head, and trophies were fastened upon the sides. The third barge contained the body. The vessel was draped in velvet, and at the head was the flag of the Union. Six trumpeters were placed in the steerage, three bannerols were on each side of the corpse. The coffin was covered with a velvet pall; the scutcheons of arms were placed upon it, and at the head of the coffin the Earl's coronet lay upon a cushion, and was attended by Clarenceux King-at-Arms. Next came a fourth barge covered with cloth, and in it there stood the chief mourner and his assistants. Then came the royal barges—the King's, the Queen's, and the Duke of York's—each with its rich gilt draped in sombre shades of velvet. Last of all came the great barge of the Lord Mayor of London, accompanied by several barges of the City Companies.<sup>1</sup>

When the procession reached the steps at Westminster, the body was disembarked and carried into the great Hall. There a second procession was formed, more splendid than the first. After the marshals walked fifty poor men in black gowns, and several watermen in their picturesque coats. The drums and fifes and trumpets followed, and then came the pursuivant-at-arms. The standard was borne by a young Mountagu. Numbers of servants, esquires, and knights, preceded the coffin; among them were the deceased's chaplains and officers of his household, and Valevin and Cordall,

<sup>1</sup> *Carte MSS.*, 109, f. 368; *Rawlinson MSS.*, B. 138, f. 58. The list of mourners, also from the Bodleian Library, is printed in H. B. Wheatley's *Petysiana*.

both of whom had been in the *Royal James*. The Bishop of Oxford, as Chaplain of the Order of the Garter, was followed by six trumpeters; and the flag of the Union and a great banner were borne by a Mountagu and a Pickering. They were attended by the choir of Westminster Abbey, and after them the various Kings-at-Arms bore the insignia of the Garter—the spurs and the helmet, the shield and the gauntlets. A coronet and the collar of the Order were carried upon a velvet cushion. There were four supporters of the pall, and by the side of the coffin the bannerols of Mountagu, Dudley, Crew, and Harrington, were carried by friends like Sir Charles Cotterell, Sir Charles Harbord, and Samuel Pepys. The Garter King-at-Arms was supported by two gentlemen ushers, who carried half-white staves. Then came the Earl of Manchester as chief mourner, and with him walked the Earls of Suffolk and St. Albans; Northampton and Bridgewater; Anglesey and Essex; Shaftesbury and Bath. A long train of nobles closed the procession as it moved from the Hall to the Abbey.<sup>1</sup> There, in Henry VII.'s Chapel, amid great pomp and ceremony, Edward Mountagu, first Earl of Sandwich, was laid to rest. A simple stone on the north side of the chapel marks the place of his interment.

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At the time of his death Lord Sandwich was in his forty-seventh year. His will was proved in September, 1672. There was some speculation in the family as to its contents; the document was opened immediately, sealed up again, and secrecy was enjoined.<sup>2</sup>

<sup>1</sup> *Carte MSS.*, 109, ff. 368-370.

<sup>2</sup> *Mount Edgcumbe MSS.*, Letters 148, 156, 158, 161. Sir Richard Edgcumbe was, of course, interested because of his wife's portion. The will was dated August 20, 1669.

In about three months the contents were known. Lord Sandwich had already settled a large amount upon his eldest son, and now made him the residuary legatee. Several fee farm rents and copyhold lands round Eynsbury were left in trust for his debts, and portions for his children. He left to each daughter £3,000, and to each son £2,000. The Lyveden and Oundle estates went to Sydney, my Lord's favourite ; and as certain suits over these lands were impending, Sydney had the reversion of £6,000, paid out of trust funds, in case the suits should miscarry. The value of the personal estate was lessened by over £4,000, owing to the plate, jewels, and other goods, which were lost in the *Royal James*.<sup>1</sup> To his executors Sandwich left his adventure in the Guinea Company, and the jewels which the Queen of Spain had presented to him and to Lady Sandwich. "For my dear and loving wife (to whom I cannot express kindness enough, nor our Children reverence and respect equal to their duty and her desert)," Lord Sandwich provided well. He added to her marriage settlements the Manor of Brampton, and left her all the jewels and plate in her chamber, in addition to the jewel set with diamonds and a picture, given to him by Charles X. of Sweden.

Lady Sandwich did not long survive her Lord. She left Huntingdon shortly after his death, and spent the rest of her life near her daughter, Lady Anne Edgcumbe. She died at Cotehele in 1674, and was buried at Calstock. The great loss she sustained on her husband's decease was preceded by the sorrow which came upon her at the death of her daughter-in-law. Lady Hinchingbrooke's health had caused much anxiety in the family, and she died on September 14,

<sup>1</sup> *Calendar of Treasury Books*, December 20, 1672.

1671.<sup>1</sup> Her husband, the second Earl of Sandwich, ceased to be member for Dover when he took his seat in the House of Lords. His quiet character and continued ill-health prevented his taking any great part in public life, though in 1678 he was sent as Ambassador to Portugal. He died in 1688, and was buried beside his wife at Barnwell.

Sydney Mountagu—the second son—outlived most of the family. In 1675 he became an Ensign in the Guards,<sup>2</sup> but soon laid down his commission. He was member for Huntingdon in 1679.<sup>3</sup> Later he retired to country life. He took his wife's name, and was known as Wortley-Montagu. He lived on his wife's property at Wharnccliffe Lodge, and allowed Wortley Hall to fall into decay. His granddaughter remembered him as a large rough-looking man, "with a huge flapped hat, seated majestically in his elbow chair, talking very loud and swearing boisterously at the servants."<sup>4</sup>

"Beside him," says the same writer, "sat a venerable figure, meek and benign in aspect, with silver locks, overshadowed by a black velvet cap." This was his brother John, who was first a Fellow and then Master of Trinity College, Cambridge, and who became Dean of Durham.<sup>5</sup> John's twin brother, Oliver, was the most promising of the sons, and worked hard in the legal profession. He was a King's Counsel, a Bencher of the Middle Temple, and was made Treasurer in 1686. He was also Solicitor-General to Queen Mary.<sup>6</sup> Charles, the fifth son, had a career of no particular

<sup>1</sup> See *Carte MSS.*, 223, ff. 159, 163.

<sup>2</sup> *Cal. S. P., Dom.*, February 28, 1675.

<sup>3</sup> Collins's *Peerage*.

<sup>4</sup> Lady Bute's letters, quoted by George Paston (*Lady Mary Wortley Montagu and her Times*).

<sup>5</sup> *Cal. S. P., Dom.*, September 26, 1674; John Smith, *Life of Pepys*, i. 153-156; *Dictionary of National Biography*.

<sup>6</sup> *Middle Temple Records*.

distinction. He was Member of Parliament for Durham, and became Chancellor of the diocese and Sheriff of the county. The other brother, James, and the three daughters, call for little mention. Lady Jemima Carteret lost her husband at Southwold Bay ; Lady Anne was married first to Sir Richard Edgcumbe, and secondly to her cousin, Christopher Montagu. The delicate little Catherine married twice, survived all her brothers and sisters, and died within four years of her century.

There remain a few words to be added upon the hero of this biography. The interest of Lord Sandwich's life lies in achievement rather than in character, but some fragments of evidence may be collected to show what manner of man he was.<sup>1</sup>

Enough has already been said of his careless manner and jovial humour. From time to time he suffered from changes of mood ; he was peculiarly sanguine when matters went well, and equally depressed when they went ill ; his depression was, however, generally short-lived, and concealed from most of his companions. To them he was naturally cheerful, and agreeable in conversation ; " we have never been heartily merry since you went away," wrote one of his friends.<sup>2</sup> He was excellent company, even for the King ; though he made no epigrams like Buckingham or Rochester, he could deliver himself of an occasional droll remark, which balanced the want of a ready and scintillating wit. He was tolerant in opinion. There are in existence two petitions which point to the trust people had in his sense and judgment. One man says, that as God has given the Earl of Sandwich two ears,

<sup>1</sup> *Harleian MSS.*, 1625. This is a lengthy character of Lord Sandwich, written at Bourg-Charente in 1684, in a handwriting not unlike that of the Duke of York.

<sup>2</sup> *Carte MSS.*, 75, f. 471.

he heard his case fairly, and reinstated the defendant.<sup>1</sup> Another petitioner begs that a friend's plea may go before Lord Sandwich and certain other Lords, and not before any Bishops or Churchmen.<sup>2</sup>

For political intrigue he had no relish. His lonely youth gave him a certain detachment of opinion, and an independence of judgment, which made him appear a trimmer. In reality he lacked finesse; he put his country first, and followed whom he liked; he put principles before persons. He hated disorder, and he hated persecution. Three times he chose his path, and each time for security and good government. He left Manchester, who was weak, for Cromwell, who was strong; he left Cromwell when the law was outraged; he left Richard when he felt that Richard was incapable. His passion for order made him a monarchist; it mattered little whether Cromwell or Charles Stewart were King. And since he saw that the Stewart monarchy was bound up with settled law and an established Church, he favoured uniformity. Dissent spelt difference, and to Sandwich a settled horizon was all that mattered. He had been in England throughout all her troubles, and detested those who bade fair to shake the settlement.

To his friends he was kindly and affectionate, not one of those who, in a fickle time, rejoiced over the misfortunes of others.<sup>3</sup> He bore no malice, and forgave as he had been forgiven. One of his first acts after the Restoration was to add an old republican enemy to the lieutenancy of his county.<sup>4</sup> In Spain he endeavoured to let down Fanshaw as lightly as possible, and the tone of his letters shows how unwillingly he

<sup>1</sup> *Cal. S. P., Dom.*, February 6, 1661.

<sup>2</sup> *Ibid.*, December 9, 1668.

<sup>3</sup> *Harleian MSS.*, 1625, f. 3.

<sup>4</sup> *Carte MSS.*, 223, f. 337. The name is added in his own hand.



handed over the order for revocation.<sup>1</sup> Whenever opportunity served he spoke most warmly of Godolphin, an understudy of whose ability Sandwich might easily have been jealous.<sup>2</sup> Lady Lawson asked him to announce to his old enemy, Sir John, the death of their eldest daughter, and to break the sad news with "lenifying preparations."<sup>3</sup>

His friends were young and well-informed, and were not chosen for their political influence. Sandwich was as happy with John Evelyn, Sam Pepys, Clem Cotterell, or Charles Harbord, as he was with the most influential statesman. Any estrangement that came between Sandwich and Pepys was not due only to my Lord; and, if Evelyn may be trusted, Cotterell and Harbord were extraordinarily devoted followers. The politician whom Sandwich best knew was Lord Clarendon, and everywhere in Clarendon's writings Sandwich is spoken of with the greatest warmth, and not as one who had ever acted the part of an enemy; if at any time resentment possessed Clarendon's mind, his reminiscences gave him ample opportunity even for tempered revenge.

The Spaniards appreciated my Lord's reserved but reliable character. At first he seemed to them rather rough. Medina spoke of him as a man *poco tosco* (*un peu rude*),<sup>4</sup> but this turned out to be merely the bluff good-nature and lack of ceremony inherent in the seaman, and there is ample evidence for the esteem in which he was afterwards held.<sup>5</sup> He soon showed himself a shrewd combatant, with a grasp of economic questions which inspired respect. His scientific knowledge and interests were eminent in so busy a man; in

<sup>1</sup> *Clarendon MSS.*, 84, f. 160.

<sup>2</sup> *Carte MSS.*, 75, ff. 528, 591, 593.

<sup>4</sup> Mignet *Négociations*, i. 472.

<sup>3</sup> *Ibid.*, 73, f. 567.

<sup>5</sup> *Carte MSS.*, 75,

times of recreation music was his chief delight. He was one of those who advised Richard Cromwell to grant a constitution to Durham University, but during England's disorders the work was shelved.<sup>1</sup> He had no great love for literature; his contemporaries pass unnoticed.

It is a pity that he was careless over money matters, but it was a carelessness which quickly brought its own punishment, and for which he suffered and paid. One creditor speaks of the "noble terms" my Lord offered him as interest, and goes on to admit that if he were dealing for himself he would not drive so hard a bargain.<sup>2</sup> The mistake over the prize-goods came of this flaw in Sandwich's character, and can be excused upon no other grounds.

Kind as a father, affectionate as a husband, it would scarcely be necessary to touch upon my Lord's moral character were it not that he is the victim of an unfortunate mistake. The indictment brought against him, that he was "of a committee with somebody else for the getting of Mrs. Stewart for the King," does not refer to Lord Sandwich, and the indictment breaks down.<sup>3</sup> Pepys, in addition to the Becke incident, gives some gossip about Lady Castlemaine, but in no case has he anything to offer worthy of credence. In my Lord's own journal he shows decided disapproval of Lady Shrewsbury's attack upon Henry Killigrew, and stigmatizes it as "a riot of a nature heinous to all good government."<sup>4</sup> As has already been said, Evelyn

<sup>1</sup> See J. B. Mullinger, *History of the University of Cambridge*, iii. 522. *Carte MSS.*, 223, f. 172.

<sup>2</sup> The charge was brought by Mr. H. B. Wheatley in *Samuel Pepys and the World he lived in*, p. 175; but I have already pointed out to Mr. Wheatley that the "he" refers to Edward Mountagu, Sandwich's cousin (see Pepys's *Diary*, November 6, 1663).

<sup>4</sup> *Sandwich MSS. Journal*, ix. 136.

speaks of Sandwich as sober and chaste, while the Puritans regarded him as one who could check the spirit of profaneness then upon the nation.<sup>1</sup>

To write warmly of Sandwich as a seaman does not mean to detract from Albemarle, Penn, or any other contemporary, but is rather an effort to put the Admiral in his proper niche. His contemporaries have been appreciated and forgiven; none should grudge him his turn. Albemarle was jealous, and thought him deficient in courage, but Lincoln, Marston Moor, and Bristol, form the best vindication of his gallantry. Evelyn says that Albemarle was ambitious to outdo the Earl, and that he spoke disparagingly of him. Sandwich suffered from certain jealousies. William Coventry was always at the back of his troubles, and was ready to fan the flames over the prize-goods; for as soon as my Lord was out of the way Coventry's power in naval affairs increased.<sup>2</sup> He discovered, too, that Sandwich objected to favouritism, and was prepared to put a stop to the wholesale system of bribery which Coventry carried on.<sup>3</sup> After Sandwich's death, Coventry, by some means or another, got hold of the journals, saw the comments Sandwich had written, and harboured resentment to the end of his days.<sup>4</sup> Southwell, another enemy, outlived my Lord, and the busy tongues of these two men lessened the esteem in which Sandwich should have been held. Clarendon, again, speaks of the enemies whom Sandwich had: some thought that he was too expeditious in bringing over the King without awaiting the Commissioners; others, that Charles was over-prodigious in his rewards. The prize-goods provided

<sup>1</sup> *Carte MSS.*, 73, f. 419.

<sup>2</sup> Evelyn's *Diary*, June 6, 1666.

<sup>3</sup> See Sir Henry Craik's *Life of Clarendon*, ii. 235.

<sup>4</sup> Marquess of Bath's papers, *Coventry MSS.*, xcvi. 155, 157.

an excuse for revenge, and "upon this blast the wind rose from all quarters."<sup>1</sup>

The mists of enmity cannot obscure his ability as a naval commander. He began his career at the age of thirty, without any previous training; he was conjoined in the command with one of our greatest Admirals, and proved a ready and an apt pupil, worthy of a higher place than that allotted to him in the ranks of our great seamen. His sailors appreciated, loved, and revered him. His powers of discipline were at once shown to be effective, though he never treated the men with undue harshness. In later years he was looked upon as rather too lenient to them, but that was when actual cruelty was rife.<sup>2</sup> From the age of eighteen he had been accustomed to leadership; he had the necessary sympathy and power, and his jovial personality gave him the right temper for the work.

In the nurture of our naval traditions he can claim a not undistinguished place. Although there was at least one occasion when his strategy was unsound—judged by the riper knowledge of the following century—the gist of the matter was certainly in him, and he cannot be denied a place as one of the harbingers of a great age. His strategical perceptions and notes come almost as a revelation in their modernity, and display a purpose and method in the handling of fleets of which we should know little but for the matter in his journals. His unreadiness of speech, and a certain diffidence of character, prevented him from impressing his views upon his colleagues; he

<sup>1</sup> Clarendon, *Rebellion*, book xvi., § 153, and *Life*, ii. 575. It is a curious comment on the neglect which Sandwich suffered, that the Royal Society apparently omitted to give him an obituary notice, as they did for all their other Fellows.

<sup>2</sup> Marquess of Bath's papers, *Coventry MSS.*, xcv. 384. Coventry speaks of the Duke's displeasure at a "too light sentence" on some runaways.

lacked the enthusiasm necessary to a pioneer, and seemed to be weighted by a measure of mistrust of his past and of his own ability.

But for these defects his talents would have obtained for him greater recognition. The genesis of a tactical idea is seldom traceable to any one man, but no one can follow Lord Sandwich's career without seeing that he was caught in the ferment of ideas from which the line of battle sprang—ideas which were fixed by Torrington, Tourville, and the famous treatise of Paul Hoste. There is, indeed, more evidence for his influence on the tactical development of his time, than there is for that of any of his contemporaries.<sup>1</sup>

To state his exact contribution is impossible, but the man who outmanœuvred the Dutch in the Sound, who anticipated the Vicomte de Morogues' idea of tactical concentration, who led through the enemy's line off Lowestoft, who drew up the instructions of 1665, and who endeavoured to save our fleet from the errors perpetrated in the third Dutch war, must be allowed at least a flash of the genius which inspired the greatest of his successors. In the end he showed that he was of the stuff of which seamen are made. His career was fitly crowned by the bravery of his last fight : the way in which he bore the brunt of the battle, and the manner of his death, are eloquent of his tenacity and courage. He wiped out all stains, and the pageantry of his funeral was a worthy memorial. In a conclave of seamen he need no longer sit below the salt.

<sup>1</sup> It should be remarked that the writer of Sandwich's life in the *Dictionary of National Biography* had not had access to the papers.

## AN ELEGY

ON

THAT GREAT EXAMPLE OF HEROICK VALOUR  
THE RIGHT HNOURABLE, EDVVARD EARL OF SANDVVICH.<sup>1</sup>

SHall Mercenary Pens *Prostitute* Verse,  
To *Guild* with Flatteries each Trivial Hearse ?  
And strive in vain t'*IMBALME* some *Silken Sol*,  
Whose *Name* deserves, soon as his *Corps* to Rot :  
Shall *useless men*, whom Age or Surfeits Slay,  
Or *just deserv'd Diseases* sweep away,  
Have *Gaudy Tombs*, and *Epitaphs*, that rise  
In strange Impert'nent *Plaudits* to the skies,  
And *Noble SANDWICH* thus submit to Fate  
Without a Muse, his *FAME* to Celebrate ;  
Condoling in such *Passionate Strains*, till we  
In our own *Tears*, be drown'd as well as *HE*.  
He that in *Honours Field*, his Countries Cause  
Did more, than *Fancy* can reach when it draws  
The Acts of *Hero's*, and will henceforth shame  
The *brightest Glories* of the *Roman Name* :  
Who stood the *Shock* of all the *Mogan Fleet*,  
And almost *Single* durst their numbers meet :  
'Gainst whom he *long* maintain'd a doubtful fight,  
Dispatching *Hundreds* to Eternal Night ;  
(Whose *base Lives* yet no Recompence afford,  
Their blood's so thick it Blots a Noble Sword ;)   
Some *Sunk* to Rights, not able to abide  
The fierce salutes He gave them each *Broad-side* :  
Others *stood off*, their *Hulks* and *Tackle* tore,  
And Decks o'reflow'd with Brandy & with *Gore*.  
But *Fate*, that sometimes makes *Vertue* its slave,  
And takes delight for to oppress the *Brave*,

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<sup>1</sup> London. Printed for Philip Brooksby, 1672.



Seeming at length with the Foe to Conspire,  
 Spight of Resistance, set his Ship on *Fire* :  
 Though he with Noble Resolution chose  
 Either to bring her *Off*, or his Life lose :  
 VVhen thick as *Atloms* Cannon Bullets flew  
 And all his men were *killed*, or else withdrew :  
 When stoutest *rocks*, that Tempests did out-brave  
 Trembled for fear, and *duckt* under a Wave :  
 When certain *ruine* on all sides drew near,  
 And Death in several *Vizards* did appear ;  
 The cruel *Elements* seeming at strife,  
 VVhich of them *first* should rob him of his Life :  
 Had you but seen how *Unconcern'd* he stood,  
*Flames* over's Head, his Feet dabling in Blood ;  
 In what a *fearless* and *compos'd* Estate  
 He *brav'd* the approach of the severest Fate ;  
 And *did* at last *from* death to death Retire  
 Courting the *Water*, to avoid the *Fire* ;  
 You would confess, such *Courage* ne'r can be  
 Enough bewail'd in griefs *Hydrography*.  
 And would you, *Cruel Seas* destroy Him there  
 Whom rageing Fire, & Cannon-shot did spare ?  
 By this *Black* deed henceforward you'll become  
 More odious far, than *Mare Mortuum*.  
 Kind *Dolphines* should methinks in Shoals appear  
 And on their Backs him above VVater bear ;  
 Or some *new Island* in his Rescue peep,  
 Rather than he should Perish in the Deep :  
 Could not the *Winds* to Countermand his death,  
 With their whole *Card of lungs*, redeem his breath,  
 No tis decre'd, his *Soul* must leave her *Clay*,  
 And took at parting a contrary way  
 I' th *Flames*, *Elias-like*, that up ascends,  
 And to it every blessed Center tends :  
 VVhilst *Sea-Nymphs* ne'r Enamour'd so before,  
 Doat on the Corps, and waft it to the Shore :  
 Knowing it ought, a Nobler Tomb to have,  
 Than the Imposthum'd Bubble of a VWave.

## APPENDICES



## APPENDIX A

### NOTE ON THE "SANDWICH MSS."

THE papers here printed from those of the first Earl of Sandwich have been taken with one exception from the tenth volume of his journals. The choice, limited by the size of this book, has fallen upon some miscellaneous matter, certain debates in the House of Lords (which are unique), and Sandwich's own opinions upon politics and colonial affairs—a small selection from a wide field.

The volumes which compose the collection are about twenty in number ; they are bound in calf and are beautifully lettered. Despite many vicissitudes, they are exceedingly well preserved. The binding has withstood all possible ravages ; the ink and the seals are still fresh, the sand from the standishes glitters upon the pages. They are family papers, and belong to the house ; none of them have been purloined—or what you will—from the State. In truth, the usual process has been inverted ; Hinchingbrooke has itself suffered, and in the course of their history a valuable section of the papers has been removed from their original home.

It was during the eighteenth century that curiosity about the collection first awakened. The earliest historian who had access to them was White Kennett, Bishop of Peterborough. He was compiling the history of England known as Kennett's *Register and Chronicle*, and for this work he made several copies from the letters at Hinchingbrooke. He was permitted also to examine the whole of Lord Sandwich's journal, and took numerous and lengthy extracts, many of which were incorporated in his work. Several volumes of the original manuscript bear Kennett's signature upon the fly-leaf—"Wh. Peterbro"—in a very shaky hand ; and he has added the

date at which he finished his examination of the several volumes.<sup>1</sup>

About fifteen years after Kennett came the historian who halved the collection. When Thomas Carte contemplated a history of England, he had access to the manuscripts at Hinchbrooke. With careless generosity, the guardians of the young Lord Sandwich, the fourth Earl, allowed Carte to pick and choose his documents, and to remove them. No wonder that a few years later he extolled the generosity of the owners of manuscripts. For from the Hinchbrooke papers Carte selected with a lavish hand; it is a marvel why he left any behind him. He filled a trunk with valuable records, and took them to Oxford. Perhaps his conscience pricked him, for in writing a preface to the *Ormond Papers* he says that the letters of Venables, Thurloe, and Richard Cromwell, sent to the first Earl of Sandwich, "were by me rescued from the flames to which they were destined, and which, I fear, consumed the rest of that nobleman's papers."<sup>2</sup> Nothing of the kind happened; in the eighteenth century the historian was the only danger. But he made little use of his prize; before the great day came on which the history was complete, death made an end of Thomas Carte.<sup>3</sup> So the trunk of papers passed to his widow; she forgot Thomas, and married again. Her second husband, one Nicholas Jernegan, survived her. The papers were left to him for life, and he from time to time loaned them out. Lord Hardwicke paid £200 for the loan of them, and Macpherson paid £300. The Bodleian, to whom the papers were willed on Jernegan's death, may have become anxious about their safe custody. In 1778 they purchased Jernegan's life interest for £50, and transferred them to the Bodleian. Thus, for a mere song, Bodley's librarian acquired a treasure which would fetch its hundreds at the present day.<sup>4</sup>

The rest of the papers, the *Sandwich MSS.*, as they are here

<sup>1</sup> The extracts, mostly in Kennett's hand, are in the British Museum (*Lansdowne MSS.*, 1002-1010). He was working at Hinchbrooke during 1723.

<sup>2</sup> *Ormond Papers*, p. vi, edition of 1739.

<sup>3</sup> Some of the letters are printed in Carte's *Ormond Papers*, ii. 96-208.

<sup>4</sup> See Madan, *Catalogue of Western MSS.*, and Hardy and Brewer's *Report upon the Carte and Carew Papers*.

called, were left in some room at their proper home. Muni-ment-room there was none, but a fine library was ready to contain them. The next worker in the field was Edward Wortley, the eccentric son of an eccentric mother. About 1734 he determined to make use of them, and to write the story of his great-grandfather's life. He began by making several notes from the journals, from Whitelocke's *Memorials*, and other books, and collected some facts about Sandwich from Josiah Burchett, who was then at the Admiralty.<sup>1</sup> Young Wortley numbered the pages of some of the journals in ink, not in the modern manner, since an indelible style may not now touch the margins. It was during Edward Wortley's time that the letters were bound, but a minute examination suggests that the journals were bound during the first Earl's lifetime.<sup>2</sup> In 1738 the letters lay loose, as they did until recently at Oxford. Unfortunately, Wortley adopted a large octavo size of binding, and folio letters have had to be folded over, and in some cases the edges have suffered. The letters were thus made uniform with most of the journals, only two of which are folios.

Beyond caring for the books and making his few brief notes Edward Wortley never went. Possibly he felt that the life of his ancestor might be in better hands, and he made over the journal to John Campbell. Between 1742 and 1744 Campbell wrote his *Lives of the Admirals*, and made some use of the *Sandwich MSS.* He says in a footnote concerning the temper of the sailors at the Restoration: "The best account is in the Earl of Sandwich's journal; a MS. in the hands of the honourable Edward Wortley Mountagu, Esq."<sup>3</sup> But Campbell did not draw largely upon the journal, and contented himself with printed sources. A few years later Horace Walpole saw the books; his reference to them is of interest, but too lengthy for quotation.<sup>4</sup>

<sup>1</sup> Josiah Burchett was Secretary. All these notes are now in the *Sandwich MSS.*, *Appendix*, ff. 179 *et seqq.*

<sup>2</sup> The lettering of the volumes is not uniform: that of the journals looks like seventeenth-century type; on the remaining volumes it is more like eighteenth-century work.

<sup>3</sup> Campbell, *Lives of the Admirals*, ii. 82.

<sup>4</sup> *Letters*, April 20, 1762 (Toynbee's edition, v. 197).



Towards the end of the eighteenth century the papers at Hinchingsbrooke were enriched by those of John, fourth Earl of Sandwich. He published a journal of his visit to the Mediterranean; and in a review of this work, in the *Naval Chronicle*, the reviewer again alludes to the papers of the first Earl. He expresses the hope that the editor of the Voyage, "who seems actuated by a friendly zeal for the name of Sandwich, will ere long renew his labours, and favour the Public with a selection from those valuable naval papers of the first Earl of Sandwich which altogether form nearly forty folio volumes in manuscript at Hinchingsbrooke."<sup>1</sup> It is indeed to be hoped that the number of volumes is exaggerated, and internal evidence makes one think so. The journals are numbered, and all are there, but some papers may have been lost. In 1830 there was a fire at the house, and it is said that some of Admiral Mountagu's manuscripts were burned.<sup>2</sup> The present Lord Sandwich says that some of the muniments were destroyed, but it would be impossible without list or catalogue to say what papers are missing. The collection seems fairly perfect; before the calendar is finally completed there is some hope that speculation will give place to certainty.

Only on one or two further occasions have the papers been touched. When Pepys's *Diary* was transcribed, the dowager Lady Sandwich suggested to her son, the seventh Earl, that Lord Braybrooke, the editor, would be an "excellent person to look over the journal, if you ever thought of publishing any part, which I wish you would; *not* for general sale," she adds, "but for private distribution, and therefore it would be better not to allow any part to be transcribed for adding to other works." Nothing came of that proposition; however, in 1847 Carlyle copied a letter of Cromwell's, and made the suggestion which is detailed in the preface.

Forty years were to elapse before the papers were again turned over. The present Lord Sandwich then sent a volume of the journal to Oxford, and permitted Dr. Gardiner to transcribe certain passages. In 1907 the present work was begun, and the *Sandwich MSS.* were examined, calendared and transcribed for this purpose. The companion papers in Bodley's

<sup>1</sup> *Naval Chronicle*, ii. 322.

<sup>2</sup> *Report on the Carte and Carew Papers*, p. 10.

Library—the *Carte MSS.*—were bound between 1860 and 1870, and a manuscript calendar of fifty huge tomes was industriously compiled.<sup>1</sup>

## APPENDIX B

## INSTRUCTIONS TO THE COUNCELL OF TRADE

(BY THE KING)

1. {
  - To introduce new manufactures.
  - To improve the old & distribute it equally over the Kingdoms.
  - To restore decayed Ports & make more rivers navigable.
2. To Consider what Companys are good for Trade and what to be abolished and what new to be erected.
3. To Consider the by-lawes made by any Companies in persuance of Statutes, & give opinion of the usefulness or harme of such by-lawes.
4. To endeavor to prevent the Transportation of Wooll.
5. To improve the fishing Trade of the Nation.
6. To take into Consideration all the Plantations.
  - viz. {
    - the value of the Trade of Them.
    - the encrease or decay thereof.
    - how They may be improved & planted with new commodities fitt for the climate.
7. To endeavor to recover againe Trades that are lost and decayed.
8. To Consider all our forreign Treaties, and to make use of the priviledges Therein granted; and to report any disadvantages in Them.
9. To Consider of free Ports.
10. To Consider what imposts are fitt to be upon Trade.
11. To endeavor to encrease of the Coyn and Bullion of the nation.
12. To consider of the Interest of money.

<sup>1</sup> Lord Sandwich's papers in the Bodleian are *Carte MSS.*, vols. 73, 74, 75, 103, 223, and 274 (see Madan, *Catalogue of Western MSS. in the Bodleian Library*, vol. iii.).

13. To erect Bankes.

14. To Continue a method to have an accompt yeerely of the import and export of the nation.

15. To have an accompt of the Shippes & vessels employed in every Port, and to Consider Their encrease or decrease.

[Holograph. Endorsed by Sandwich: "An extract of the Instructions to the Councell of Trade, October 20, 1668."]  
(*Sandwich MSS. Collection of Treaties*, f. 93.)

## APPENDIX C

### MEMBERS OF THE COUNCIL OF PLANTATIONS AS GIVEN BY LORD SANDWICH

*Wedensday, August 3, 1670.*—The Commission of Plantations was opened at my L<sup>d</sup> Keeper's, who gave mee my oath of fidelity and secrecye first and then I gave it him, and all the rest then Present.

The names of this Councell are	{	* L <sup>d</sup> Sandwich, Presd <sup>t</sup> .
		* L <sup>d</sup> Gorge.
		* L <sup>d</sup> Allington.
		* M <sup>r</sup> Tho Grey, eld <sup>st</sup> sonn of the L <sup>d</sup> Grey of Werke.
		* M <sup>r</sup> Henry Brouncker.
		* Coll. Titus.
		M <sup>r</sup> Ed. Waller.
		S <sup>r</sup> Humphry Winch.
		S <sup>r</sup> Jo. Finch.
		* M <sup>r</sup> Hen. Slingsby, M <sup>r</sup> of the Mint, Secretary to the Councell.

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\* L<sup>d</sup> Keeper.

\* L<sup>d</sup> Ashley.

\* S<sup>r</sup> Tho. Clifford.

\* M<sup>r</sup> Secretary Trevor.

L<sup>d</sup> Arlington.

S<sup>r</sup> Jo. Duncomb.

Present at first meetinge att Essex House and then sworne (have the followinge marke \*).

This Commission was afterward renewed (about the beginninge of Aprill 1671) and the Followinge names added.

Viz.	{	His R <sup>ll</sup> High <sup>s</sup> the D <sup>k</sup> of Yorke.
		His High <sup>s</sup> Prince Rupert.
		The D <sup>k</sup> of Buckingham.
		The Duke of Ormond.
		The Earle of Lautherdale.
		The Lord Culpeper.
		S <sup>r</sup> Geo. Carteret.
		M <sup>r</sup> Eveling.

(*Sandwich MSS. Journal*, vol. x., f. 286.)

## APPENDIX D

### DEBATE IN THE LORDS UPON A BILL CONCERNING PRIVILEGE

*Wedensday, November 11, 1669.*<sup>1</sup>—This day the Bill for takinge away the Lds. Priviledges to try causes originally and others (sent up a weeke agoe by the house of Commons) was read in the House of Peeres, where was expressed a Universall Indignation at it as being destructive to the Constitution of this Government and infamous for us to passe givinge away most considerable Priviledges left unto us by our ancestors and by the lawes of the land. It was affirmed also that as the House of Commons pretended it to be a priviledge of theirs, that noe thinge concerning monye should have its beginninge any where else then in the house of Commons (Although it was said many Presidents are for the Lds. giving money alone, and that there was noe such thing as a House of Commons untill Hen. 3<sup>d</sup>; And also that many tymes the Lds. have begunn Bills for money in their House and sent them downe to the house of Commons and that noe longer agoe then in Hen. 8's tyme?). In like manner the House of

<sup>1</sup> See *Lords' Journals*, November 10. The Bill was sent up on November 4.

Peeres assert it to be their indisputable Priviledge that noe law concerning their owne Priviledges or matter of Judicature should beginn any where else then in the house of Peeres.

Ld. Pagett mooved for its readinge, and after for its being immediately rejected, Ld. Denbigh made an eloquent speech to the same purpose. Ld. Widdrington mooved to the same effect, but also, that afterwards, wee should vote another Bill to be brought in to regulate and assert our Priviledges as should be found fittinge. But the house rann violently to the rejection of the bill and the Question was puttinge when the Duke of Buckingham came in and spoke shewing reasons why he would have the Bill retained and made such as might be fittinge to passe, or if the forme it was in, was not sufferable, then upon Casting that out, a Committee might be named to bringe in a bill to the effect of what my Ld. Widdrington had moved; his reasons were these:—

1. To consider the Consequence of throwing out the Bill without such caution, which might possibly be the dissolution of this parliament. And then to consider whether the next ensuing H. of Commons would not beginn to presse this with more violence and whether wee were not better able to manage a contest with this then with a future house of Commons.

2. To consider that in truth the Peeres had declined of late tymes and had lesser power and Interest then formerly, and that to prevent the plucking away of their priviledges one by one (which the house of Commons daily attempted and upon every bill of money the Lds. were persuaded to yeeld rather then the King should be unsupplied) it were good to have them asserted by act of Parliament and to take the occasion by mending of this act to doe it.

3. To consider another consequence, of disgustinge the House of Commons, whose temper was likely to influence the people of the Nation whose good opinion is also very necessary for us.

4. That many of us did desire to have our power in originall causes declared against as beinge for Publique good and satisfaction of the Kingdome, who (now the question hath beene stirred) have drunke in the opinion, that when a lord has a mind to a man's land or spleene to his person, then he may sue him originallly where Lds. onely shall be his judges.

The exercise of this priviledge hath beene very rare and therefore an unnecessary Priviledge may well be parted from, for publike benefitt and to avoid the Calumny of Partiality.

Many Lds. and his Royall Highnesse also seconded the Duke of Buckingham, and the scense of the whole house fell in therewith soe the question was putt and the Bill was rejected by every person except the Earle of Bristow and the Ld. George Bercley of Berkeley. (*Sandwich MSS. Journal*, vol. x., ff. 73-78.)

## APPENDIX E

### A DEBATE IN COMMITTEE UPON THE INTEREST OF MONEY

*Wedensday, November 11, 1669.*—This Afternoone also the Committee of Lds. considered the point of the Interest of monyes and had many merchants and others to conferr with all about it.

It was universally concluded that Interest was a burthen upon money and men's stockes, and that noe merchandize, trade or building or lettinge of houses but must be more difficult and more easye as the Interest of monye was higher or lower. And by Consequence low interest must be a generall good.

But it was doubted whether a law would remedie it, or were good to be made for that purpose, or whether it were not in truth governed by trade it selfe, as plenty of Coales or any commoditie makes them cheape, and as the low Interest of Holland is governed by the trade there and noe law is there made in the case.

It was said that Holland and Italy who onely are lower then us in interest of monyes; the one (though they have noe law made to compell private persons) yet they have power of the Banke and consequently of all the monye in the countrey and doe make rules that the Banke shall receive noe monye in, but at 4 per cent. Italy is ruled herein by the Church lawes which make it unlawfull in point of conscience to take more interest than 4 per cent.



It was alledged against the loring of usury, also

1. The losse orphans would have whose monye is in publique stocke.

2. The prejudice the Gentry will have who owe monye upon mortgages which will be called in, and if they have not monye readye, the land must be sold at any rate.

It seemed to mee to resolve principally into the knowledge whether there were now at present monye enough in England to carry on Trade and to spare for else, if forreigners call home theire monyes, and angry usurers also, it may cause a decay of trade for want of money to carry it on.

It seemed to be agreed by the merchants that at present the Forreigner's monye in this Kingdome was not the sum of £20,000.

Neverthelesse scince I heare Ald. Backwell saies that he hath £150,000 of Forreigne monye in his hands and others speake of greate sums in theires.

Afterwards upon further examination I find that 2 or £300,000 hath some tymes beene putt to use in the nation of forreigners monye, but at present I beleieve not £50,000.

Also there must be money enough now in the Kingdome to satisfy the extraordinary occasions now at present upon us such as the Greate Debts of the Kinge, and the buildinge of the Cittye of London.

But it seemed to mee very hard to be ascertained of that. And if there be not money enough then a present stopp of lenders may make a greate inconvenience and I thought it dangerous at this tyme to adventure upon notions onely, the Hazard of adding or multiplieng diseases in the State to the number of those greate ones wee have alreadye upon our hands to cure.

Neverthelesse the Committee was of another opinion and voted to report there scense to the house that it was fitt to lore the Interest of money from 6 to 4 in the hundred.

Afterwards when the Committee made theire report to the house of Peeres, it was carried in the Negative by neere 20 voices. (*Sandwich MSS. Journal*, vol. x., ff. 77-80.)

## APPENDIX F

## THE PROROGATION OF PARLIAMENT

*Satterday, December 11, 1669.*—This morninge between 10 and 11 of the clocke the King by commission prorogued this Parliament unto the 14th day of February next.

The house of Commons had also reconsidered the sentence of the Lords upon the Petition of Skinner and had voted heads whereupon to treat with the Lords at a Conference to raze it out of their bookes, and if that would not goe downe it was reported that a clause for the rasinge that record should have beene inserted into the money bill; soe that both must have passed or none.

The house of Commons had 3 or 4 dayes before voted that the Kinge should be sent to, to command the Ld. Lieft. of Ireland to give leave for any one to come over hither without prejudice that was a wittnesse against my Ld. Orrerye, which message the Kinge received and sent them word by Mr. Secretary Trevor that it should be done accordingly. (I am told the Witnesses against my Ld. Orrery are these viz:—Sir James Sheene, nephew to Ld. Orrerye; my Ld Viscount Anger; my Ld. Collom (brother to the Earle of Mont Rath); and 2 or 3 more privy Councillers.)

They had also voted that Sir George Carteret should be suspended sitting in the house of Commons. They were in debate as the blacke rod came for them for Prorogation, to advise the Kinge not to employ Sir George in any place military or civill in England or Ireland.

They had also voted to raise the £400,000 which they meant to raise the Kinge, out of the Customes, which was in effect (as some said) noe addition at all.

The Church and Cavaliere Party as I heard at a Private meetinge, concluded among themselves:—

1. That the present church Government should be stucke close unto.
2. That the Cavaleer Interest should be upheld.
3. That in order thereunto qualifications should be made

that none but such be capable of elections to Parliament or to any places of trust.

4. To adhere to the Duke of Ormond against all opposition.

5. To prosecute Lord Orrerye as an enemy to the principles aforesaid.

#### BUCKINGHAM'S PARTY THAT APPEARED IN THIS SESSION.

##### *The house of Commons.*

Ld. Buckhurst.  
 Sr. Tho. Osborn.  
 Ld. St. John.  
 Ld. Vaughan.  
 Sir Fretzville Hollis.  
 Mr. Seymore.  
 Sir Rob. Howard.  
 Sir Rich. Temple.

##### *The house of Lords.*

E. of Barkshire.  
 E. of Dover.  
 Ld. Widdrington.  
 E. of Bristow.

The Prorogation of this Parliament was resolved at a meeting of the King and Junto very late the night before, and was carried by the Duke of Yorke, Ormond, Arlington, Prince Rupert ; The Keeper, Secretary Trevor and Arlington declared against it, and the Duke of Buckingham was not present.

It is thought the prime reason for there soe sudden Prorogation was a resolution the house of Commons had to have adjourned themselves that morning upon a supposition that in a former message by Secretary Trevor the Kinge had given them leave to adjourne when they would, which yet the Kinge understood otherwise and therefore thought fitt by Proroginge them to avoid such an affront as that they should adjourne without having the King's direction for the particular tyme.

The Historie of this last Session of Parliament is best collected from a letter to a freind which is inserted in this place. The lines drawne underneath or through any part of it are not to be considered to interrupt the scence, but it is to be read all of it as if there were none such.

## APPENDIX G

## LORD SANDWICH'S LETTER UPON PARTIES

I TROUBLED you with conjectures before the sitting of the Parliament, scince that tyme they have mett and the House of Commons began with a bill to take away the Priviledge of the Lords in originall and other causes which having sent them up they called for the report of Brooke house and Sir George Carteret being placed in the front of the report they begann to debate upon him with exceedinge greate fury and severity, which yet continues and it is thought must end in that house either in an impeachment of misdemeanor to the Lords, or a bill to punish him ; or (which is the newest invention) a Report from the house of Commons to the King immediately (without taking notice of the Lords) giving him their scense, and leaving the recentment of it to his owne breast. In the meane while the Lords examine the Account of Sir George, but use him very fairely and civilly, allow him Councill, and heare him and the Commissioners of Brooke house face to face, and soe prepare themselves to be the readier to give their Judgment in any of the three wayes above mentioned, and by what yet appeares before them Sir Geo. is not prooved to have imbezilled one penny of the King's money, but all is layd out in the King's service. He hath not bought one Tickett of the Seamen, nor is found to have taken any bribe, but the Greatest fault (if any be found) will be irregularities of payments not punctually persuant to the Instructions of the Admirall, and some miscarriages they find in his servants ; but upon the whole matter with the Lords and among the people, Sir George hath gained much ground, and the Commissioners an ill opinion of having proceeded with cruelty and injustice. And however the house of Commons recent his affaire I beleieve the Lords report will be with very much favor to him.

Touching the Bill for lessening the Priviledges of the Lords ; the Lords house upon the first reading cast it out, countinge the whole bill derogatory to their dignity, and liked it the worse

for being almost the same in words as the 5th Article of the humble Petition and Advise to Cromwell ; but cleerely counting it a breach of their Priviledges to have a law for the alteration of their owne Priviledges to beginn any where but in their owne house, Priviledge and Judicature being a more inherent Priviledge of theirs then granting of money is of the house of Commons ; the being of the house of Commons not reaching higher than Henry the 3rd's tyme and Presidents of bills for money (even as low as Henry 8th's tyme) to be produced that had their beginning in the house of Peeres. And although upon these grounds they rejected the bill of the Commons' house yet they ordered their owne members to draw a bill for the taking away the Priviledge of hearinge originall causes, and having thereby parted with a greate priviledge of their owne for publique good, they thought also for the same publique good to lead the Commons the way to take off all Priviledge of Parliament from the servants and estates of the members of either house (which also possibly might be a little picquant to the House of Commons and make them unpopular if they refused it and very uneasy if they passe it). Furthermore reflectinge upon the partiall quicke trialls Peeres formerly have beene subjected to by the Lord high Stewards Courte, where twelve Lords may condemne a Peere and he shall have noe challenge to any Peere of his Jurye though he be his knowne enemye ; The Lords thought upon the occasion of this bill they might seeke another new priviledge for their owne security and therefore were unanimously (almost) for providing that a peere might challenge soe many persons of his Jury without shewing cause (as a commoner may doe) or (as was at last concluded) that the High Steward should at noe tyme proceed to triall or sentence of a Peere without havinge 41 Peeres of the Jury present, supposinge it impossible the Prince or animosities should sway the major part of soe greate a Jury of Peeres. The house of Peeres, as I said before, was generally for this and soe it passed in the bill, but to say truth the King was not well pleased with this it beinge a diminution of his prerogative and argued the Peeres distrust of him, and if the two houses concurred in the bill, it might cast the rejecting of

the bill (the ungracious part) upon the Kinge: But the bill being thus finished was sent downe to the house of Commons, who at the first reading also rejected it.

Our factions now have more plainly distinguished themselves into that of Buckingham's and that of Ormond.

Buckingham's Party of it selfe is found not soe stronge in the house of Commons as was supposed, and onely is stronge when in point of accounts, liberty of conscience, or Trade, the Countrey Gentlemen or the Presbiterians joyne with them but they dare not undertake any thing alone. His interest in the house of Peeres I take not to be greate. How it is with the King his Master God knowes. My Lord Arlington beinge joyned with Ormond, Buckingham's party thought it for their interest to gett him off unto them and accordingly a reconciliation was treated and commanded to be concluded by the Kinge, whereupon it was accordingly professed by both of them and my Lord Arlington went to Wallingford house to visite the Duke; where they mutually unfolded their greevances. Buckingham told Arlington that the greate expection he had to him was because he used not his freinds well, and instanced in Sir Tho. Osborne and Sir Ellis Layton and that he was an encourager of his enimies.

Arlington complained of Buckingham's countenancing his mortall enimye the Earle of Orrerye, yet for all these complaints for a few dayes they were said to be freinds, but presently kindnesse vanished and the difference betweene them is knowne to be certain and irreconciliable.<sup>1</sup>

Ormond's party consists of the Duke of Yorkes freinds, the Church, the old Cavaliers, and the Clarendonians.

These two parties have levelled one at the other all this while; Buckingham (whose greate engine hath beene the Commissioners of Brooke house wherewith he hoped to crush all that joyne not with him and to weaken the other party) to make an essay of the strength of his party and to flesh them in conqueringe, fell upon Sir G. Carteret hoping by his ruine to have made way for that of Ormonds, in the meane while both Parties readye with charges remained yet in peace one with

<sup>1</sup> Under this word are the figures 2039, which looks as though Sandwich had parts of this letter put into cipher, and many lines are crossed through, like a letter is crossed when once ciphered.



the other by the King's command, who they say undertooke for one to the other that they should not begin first but it soe happened that last weeke my Lord of Meath (whom Buckingham and Orrery disclaime havinge any power over) attended the Committee of Greevances of the house of Commons with a Petition against the Duke of Ormond, the chaire man received it and looking on the Title findinge it directed to the house of Commons, the Committee would not receive it, but said if he pleased he might present it to the house of Commons. And the greatest part of the Committee appearinge inclined to the Duke of Ormond (in a manner) laughed the Petition from the Committee. And Ormond's party imputinge this to Buckingham's and Orrerye's artifice next morninge earely by Sam Sands prefers a Petition and Articles of high treason against my Ld. Orrery, for which he stands committed in the Serjant's hands and thinkes to appeare in the house of Commons on Munday next. Reports goe that in a few dayes Articles will come in against Ormond and Buckingham also and many others.

The day followinge Orrerye's impeachment the house of Commons voted the King a supply not exceeding £400,000 which is supposed to be to the intent to qualify the present high proceedings that the King may not despaire of support from them and soe dissolve them speedily.

All mens expectations are up to see what resolution the King will take in this state of affaires, which is very hard to guess at I thinke. Although I am (in secresy, and from pretendinge knowers of it) told that the Kinge will certainly soone dissolve this Parliament.

The House of Commons was divided upon the question of Orreryes committment, and it was 148 for him and 192 against him.

It was greately observed that all the Clarendonians (even my Lord Cornburye himselfe) was against Orrerye, notwithstandinge the Alliance of Mr. Hide with my Lord Burlington and that Lord's freindly defendinge theire father in his adversitey, upon this ground my Lord Cornbury loses credit.

It was also observed that all the lawyers of the house was against Orrerye except the Sollicitor Generall. Secretary Trevor and Sir Tho. Clifford were for Orrerye.

The house of Commons proceede to vote the placinge the new monye to be raised out of the Customes, which some affirmed was as good as nothing but a taking away from the revenue with one hand and giving againe with the other.

They considered the matter of Skinner againe and voted the Lords sentencinge of his Petition to be a libell, to be a breach of Priviledge of Parliamēt and fitt to be rased out of the records and intended a conference to the Lords for that purpose and if the point had beene gained there, then to have inserted a clause into the money bill to have the second rased ; that soe both or neither might passe into a law.

They voted Sir George Carteret to be suspended sittinge in the house.

They revived againe the businesse of my Ld. Orrery and voted a message to be sent the Kinge to command that the Leift. of Ireland give leave to all persons to come over without Prejudice that wittnesse any of the Articles against my Ld. Orrery, which message the King received and sent them word by Secretary Trevor that it should be done accordingly.

They were upon Satterday morninge the 11th of December in debate upon Sir George Carteret, viz. to advise the King not to employ him in any place military or civill in England or Ireland when Sir John Eaton with his Blacke rod came for them to come up to the house of Peeres where by Commission from his Majesty they were prorogued untill the 14 day of February next ensuinge.

The Church and Cavaleer party of the H. of Commons at a private meetinge as is reported agreed.

1. To sticke unto the present church Government.
2. To uphold the Cavaleer party.
3. In order to the former to frame a test without which none should be eligible to parliament or any place of trust.
4. To adhere to the Duke of Ormond against all opposition.
5. To prosecute Ld. Orrerye as an enemye to the principles aforesaid. (*Sandwich MSS. Journal*, vol. x., ff. 85-97.)

## APPENDIX H

DEBATE ON THE SECOND READING FOR THE  
DIVORCE OF LORD ROOS<sup>1</sup>

*Thursday, March 17, 1670.*—The Bill for authorising a second marriage to the Lord Ross (his wife being divorced from him for Adultery and a law made to illegitimate all her children in being or that should be) was debated, whether it should have a 2nd reading or not in the house of Peeres.

(The divorced Lady Ross petitioned the house alledging all former proceedings both as to the divorce and the law also to have been done in her absence unheard, prosecuted maliciously by the Countesse of Rutland, prays a Commission of appeales wherein she hopes to make her innocence appeare and that noe law might passe to the exclusion of her reconciliation to her husband or other prejudice of her or her issue in the meanetime.) The Lady Ross was called in to the Barr of the Lord's House, and upon demand, she there owned and justified her Petition, and thereupon the house retained the Petition but deferred the consideration of itt untill they had gone on with the other debate.

The Debate rann upon these followinge heads:—

1. Whether after a Divorce for Adulterye, it were lawfull by the law of God for the innocent person to marry againe, livinge the nocent.

2. Whether allowinge marriage in that case, or not allowinge it, be attended with most inconveniences.

The principall speakers were these that follow:—

<i>Pro.</i>	<i>Contra.</i>
Bishops { Durham Chester.	Archbishops { of Canterbury of Yorke. Bishops of { Winchester Salisbury London Rochester.

<sup>1</sup> John Manners, Lord Roos, first Duke of Rutland. See also Anchitell Grey, *Debates*, i. 251 *et seqq.*

<i>Pro.</i>		<i>Contra.</i>	
Earles	{ Anglesey Essex.	Earles	{ Bristow Bullingbrooke Northampton.
Viscounts,		Viscount Hallifax.	
Barons.	Lord Ashley.	Barons.	Lucas.

The Arguments for it were first from Christ's words in the Scripture and St. Paul's.

Our Saviour in Mat. 5 (these scriptures in the Mount are affirmed not onely to be meant to the Jewes but to be the height of Christian doctrine), wants that exeption of Adultery which is mentioned in Matt. 19 which beinge the fuller place, supplies and expounds the former, and does expresly argue the lawfullnesse of 2nd marriage after divorce for adulterye. And is a scripture not only intended for the Jewes apart, but to Christ his disciples and their followers in all ages. If in that Scripture Christ did not intend should marry againe the exeption in the text will seeme to want scense and meanes nothinge, which is dishonor to Christ to imagine.

The Reformed writers are for it, though Bellarmine and the Jesuites be against it, and what shall wee gaine by raising the Creditt of the later above the former.

Theodosius, Bishopp of Canterbury, was for it.

Anciently Pennance was enjoyned for a man that did not putt away an adulterous wife.

Imperiall and civill lawes not one against it.

For Canon Law (see Linnwood's constitutions) which was reformed in Hen. 8. 25<sup>y</sup> 18<sup>ch</sup> and in the 3rd and 4th of Ed. 6. *Integra persona transit ad novas nuptias.*

*Cum alter conjux dijudicatum etc.*

5th of Ed. 6 is the confirmation of the Ld. Marques of Northampton's remarriage with the Lady Cobham.

The Canons in present use, Chapter 8, allow the innocent person to marry againe.

And these Canons were confirmed by King James.

It is true these Canons require a bond to be taken of the Parties not to marry any other, but that is designed for a tyme to see if the Parties can reconcile againe but not with respect to the sinfullnesse of their marriage if they doe marry againe.

Some of the Popish writers were not against it, as Cardinall Cajetan and Erasmus.

Reformed writers are numerous in this case against the Councell of Trent.

Butt 3 or 4 of the church of England are of another opinion as Mr. Burrell, Bishopp Howsen. Howsen did it partially not with his free judgement but to serve a turne.

St. Paul gives caution to men not to presume to separte whom God hath joyned; but those that the law of God separtes, man does not separte; if the woman be an adulteresse she separtes her selfe.

In the Romans where St. Paul saies the husband is bound to the wife as long as she liveth etc. This is onely to show that the law of Moses is dead to us. Though one might say the Adulteresse is as dead to her husband as that law is to us. St. Paul allowes the wilfull running away of a wife to be a just cause of divorce and saies that a man is noe longer bound in that case (that is to say not by the bond of Matrimonye).

In another place he saies Art thou loose from a wife (*i.e.* divorced from a wife) seeke not a wife. He that marryes againe sinneth not in that case.

They affirme these 2 persons in question to be cosen Germanes and soe the Popish Lords ought to looke upon the marriage as a nullitie.

If it be unlawfull to allow the Innocent to marry, it is equally unlawfull to justify him after marriage.

The case of the Marques of Northampton declares, the opinion of that Parliamēt to be that the law of God was for it.

Dr. Hall, Dr. Reynolds, Dr. Hammond etc. over Ballance Bishop Howsen's opinion.

In all the Old Testament or new, or ancient tymes noe such distinction of divorces was ever heard of as that of *a mensa et thoro*, *a vinculo*, it seemes to be a formall distinction without a difference, an invention of the Canonists and Schoolemen to sett up the Papall power 600 yeares after Christ.

The words of marriage in the Liturgie are I, Tho., take thee, Mary, etc. to live together after Gods holy ordinance. This is *Vinculum*, if therefore they be separated *a mensa et Thoro* they are separated *a vinculo* namely from the bond they contracted in marriage.

To continue the innocent person and the Adulterous together is tying together the living and the dead, to make a perpetual stench to poison the innocent.

The Councells anciently allowed 2nd marriage after divorce but the Canonists and Schoolemen oppose it (as hath been said) yet they allow the *vinculum* broken when they have gotten the party into a monastery.

St. Paul saies that if the Infidell husband departed from a beleevinge wife (the woman was not bound) she might marry againe, because she gave noe scandall in seekinge the seperation, but if the beleevinge were uneasie she might part from her husband but not marry again. To avoid givinge scandall that she might be thought to doe it for lust.

The Greeke church practises 2nd marriage.

The Councell of Eliberis is for it.

Imperiall law is also for it. See Theodosius his Code.

The Arguments against the Bill were as followeth.

That Matt. 5.32 and Matt. 19, each place containeth 2 distinct sentences of our Saviour, the one touching the cause of Divorce, the other the Practise after divorce and are soe distinctly to be understood.

From the Beginnings it was not soe. That is then there was divorce for noe cause whatsoever. God putt two onely together and none can separte then. Whence they inferr marriage once lawfully made can never be undone for noe cause. (It is objected to that why did not Laban and the Patriarchs before the Leviticall law, understand the institution of marriage to be soe, but practised Poligamy without reprehension. They putt away a wife for Hatred).

*Principiis obsta.* He that makes the first breach into an inconvenient liberty hath the most sinn. Therefore lett us take heed of opening the first lawfulnessse of this practise.

The bond is not onely taken in the Spirituall Court to prevent future marriage, but it is part of the Sentence of the Divorce. And if the Ld. Ross would have advantage, it must not be from a part of the sentence onely but consonant to the whole.

Common Lawiers distinguish divorce into

*Divortium* { *Proprie*      *Dictum* { *nullitas matrimonii* or *a vinculo*  
                   { *improprie*        { *a thoro et mensa*



and this last is the divorce sentenced in the case of Adulterye. Soe that the *vinculum* remaines.

As Christ is Head of the church soe is the husband of the wife (*i.e.* indissolubly).

There is noe place in the New Testament that speakes of Divorce but speakes against the innocent parties marriage againe. And not a word in all the evangelists for it.

The Canons of Carthage and the Apostles are against it. (Objected to that—Canons governe onely the conveniencye or inconveniencye of Practise but, make not lawfull or unlawfull as to sinn.)

The Church of England are against it who never departed from the Church of Rome where it held Catholique doctrine.

Matt. 19 was spoken to the Jewes as an exeption to endure only soe longe as theire oeconomye lasted. But that Governement is now expired and the rules of it abolished.

The Contract of marriage is untill death us do part, by the liturgy which is the law of England and soe till then the *vinculum* of marriage cannot be broke.

By the forequoted Scriptures the woman adulteresse can never marry againe. Why then if the man may and noe roome be left for reconciliation it seemes to want charity for the woman, who whilst living may need marriage as much or more then the man.

The Councill of Eliberis (as I take it) was quoted for Canon law.

They suppose that some vulgar errors mislead those that are for the bill viz.

1. Thinkinge that men have a greater pre-eminence then woemen.

2. The confounding Seperation with Dissolution.

3. The involving the notion of permission with approbation.

Whereas all Christians hold all priviledges reciprocally betweene the man and the weoman (though the Jewes did not soe). And the best expositors say that the allowance was onely to exempt from penalty but not to warrant it in conscience, as Clavius (Clavius was granted by the other side, but in all the rest it was affirmed they were misquoted and were of a contrary opinion) Grotius, Erasmus, and Spanhemius 117 And that there is noe dissolution *a vinculo*. Two divorced

Parties may meete againe without new marriage. Joyne the 19 of Matt. to the 2nd of Genesis it shewes not onely a conjunction but a coalition that can never be dissolved.

Divorce then must have its rise from the 24 of Deuteronomye which all Drs. and our Saviour Christ himselfe was not a command but a permission onely. To exempt from guilt *in foro curico* but not from *culp. in foro conscientia*.

St. Augustine and Groetius beinge for the opinion makes it probable not to be unlawfull but *Quod dubitas ne feceris*.

The Persian Magi could not be induced to pronounce the Emperor's incestuous marriage, a lawfull case. But yet politically said for publique good the Emperor in that case might lawfully doe what he pleased.

The Debate held from 12 a clocke at Noone untill nine at night. When the Question was putt and upon telling of the House by the Duke of Ormond and the Earle of Anglesey,

	Present	Proxies	
The not Contents were	42	6	} in all { 48 56
The Contents were	41	15	

Next Satterday was appointed for the 2nd reading of the Bill when it was comitted

Contents 48	} {	Not Contents 44
Proxies 16		Proxies 6

On Friday Morninge almost all the not contents entered their Protestation whose names follow :—

Duke of Yorke.  
A. Bpp. of Canterbury.  
D. of Richmond.  
E. of Manchester.  
E. of Brecknock = L<sup>d</sup>  
Ormond.  
E. of Kent.  
E. of Northampton.  
E. of Norwich.  
E. of Chesterfield.  
Lord Mordant.  
Lord Stafford (Visc).  
E. of St. Albans.

E. of Craven.  
E. of Bristow.  
Lord Hatton.  
E. of Peterburgh.  
A. Bp. of York.  
B. of London.  
„ Peterburgh.  
„ Winchester.  
„ Lincolne.  
„ Salisbury.  
„ Exeter.  
„ Rochester.  
„ Bangor.

B. of Oxford.	Lord Audeley.
„ Landaff.	Lord Culpeper.
Viscount Halifax.	Lord Wotton.
Lord Howard of Escrige.	

(*Sandwich MSS. Journal*, x., ff. 213-228.)

## APPENDIX I

### THE ROOS CASE: THIRD READING

*Monday, March 21, 1670.*—This morninge the King in person with his ordinary attendance and habitt (*i.e.* without sword etc. Robes Crowne or Regalioes or givinge any warninge) came into the house of Peeres (who were then turned into a grand Committee of the whole house my Ld. of Bridgewater on the Wool Sacke)<sup>1</sup> and sate him downe in the chaire of State and spake to the house to this effect, viz:—

My Lords,

I am come amongst you to renew an ancient practise of my Ancestors, which is to be present at your debates, and therefore desire to give noe interruption to your proceedings but that you would goe on in your businesse in the method I found you. And I pray you all to sitt downe and putt on your Hatts, and soe putting off his owne hatt the Lds. sate downe, and as the Kinge covered soe did they.

This greate extraordinary thinge caused no little astonishment. And therefore the True reason is worth the Knowledge, which Breifly is thus.

Divers discourse that the King espoused this Case of my Ld. Ross his not onely for the justice thereof, but because it was in his Intention to putt away the Queene for which occasion this would be a profitable president. And on the contrary the Qu[een] and Duke opposed it to the Highest as tendinge to the separation of the one and cuttingge off the succession of the other. The Duke therefore by all manner

<sup>1</sup> The work in hand was the Bill to suppress Conventicles (see *Lords' Journals*).

of vigor, in the house of Peeres, speakinge agt. it, Brow-beatinge the favorers of it and almost violently Halinge out Lords upon the division of the house of peeres, brought it to have one voice more of the Lds. present agt. it (though the Proxies over balanced and carried it) and afterward the Duke himself and all the Partie protested agt. it; soe that the Kinge to save the House from the Impetuousnesse of his brother and to secure the businesse he wished might succeed and justly ought to doe so, renewed the ancient practise of the Kings beinge present at Debates.

Though some say it is dangerous and wants president onely in cases Judiciall and that the house of Commons hath challenged the Lds. for breakinge the priviledge of Parliament, in communicange the substance of a bill to the Kinge as it was passinge and before it came to him for the Royall assent.

*Friday, March 25.*—The House of Peeres in a body with theire speaker came to the Banquetting house at Whitehall to the Kinge and gave his Matie. thanks for the Honor of his Prescence at the Debates of theire house.

*Monday, March 28.*—My Lord Ross his Bill was read in the house of Peeres (the Kinge beinge present) and debated whether it should passe into a law or not.<sup>1</sup>

The dispute held from 11 in the morninge untill past 6 at night.

LORD BRISTOW. Spoke upon the 19 chap. of Matt. affirminge that Scripture to containe 2 distinct propositions, and the exeption there to belonge unto the first of them.

He said that if the words had beene placed thus (viz. who-soever shall putt away his wife and marry another, except for the Cause of Fornication) that then it had beene a cleare warrant of 2nd marriage in this case.

He said the places in Marke and Luke and St. Paul are all cleare and plaine places agt. it, and that there was but this one doubtfull text that gives any pretention to the lawfullnesse of it.

In doubtfull cases he said of necessity the church must be judge (not only the church of Rome, but such church which

<sup>1</sup> The *Lords' Journals* simply say that "after a long debate" the Bill passed.

the Disputants owne and deferr unto) unlesse wee be of the Socinian opinion to determine all thinges by our reason, which must suppose every man to be qualified with a sufficient proportion of reason and parts to decide questions, the contrary whereoff experience shews and indeed renders that a most absurd and foolish opinion.

Then he alledged that the church of England was against the bill. And that Groetius found it a doubtfull case and determined that it was best to maintaine that side that favored most the inviolable preservation of the strict bond of matrimonye, and Mr. Selden *De Uxore* concludes that even since the reformation wee have practised in this case accordinge to rules of the church of Rome.

He said he knew but 2 conveniences that were hoped for, viz:—

1. Christian and conscientious to prevent sinn in case my Ld. Ross should be a wench, upon which ground every Brother in Christ that had the same fire, had the same pretence to Indulgence.

2. Generosity and Kindnesse to soe noble a family to procure them succession, to satisfy which end he said there was a way open better than this of a bill, viz. namely that in the case of my Ld. Marquess of Northampton.

But the Inconveniences he said were many and of more weight.

1. The President of doinge this by a bill *a Priori*, he said he would willingly consent to a bill *ex post factum*, but not by a law *a priori* to encourage one to steale his neighbor's mutton, that is to establish wickednesse by a law.

2. What father can be secure for the settlement of his Daughter if this be practised, the law is very tender and doth allow the children of the wife if the husband was within the compasse of the 4 Seas.

3. Domesticke peace would be destroyed by it in families when a way should be opened to be unmarried againe. There have beene examples in this nation of eminent qualitie that a ladye to enjoy her love and be divorced hath beene content to confesse adulterye, as the lawes now stand. What may wee then expect when the law shall countenance it.

4. The exercise of Legislature in a private case, ought to be

tenderly done, but never when the case stands in competition with publique inconvenience.

5. An essentiall right of the Church of England is in danger of being overthrowne by it, which is to determine in matters ecclesiasticall. He advised us therefore not to passe it untill wee had advised with the Convocation about it. And said it would be a greefe unto him to see a bill of this nature pass the Convocation unconsulted and all the B[ishops] Bench opposing it.

LORD ESSEX. Said that the Councells and fathers disagreed and therefore could be noe rule in such cases.

And if they were fitt to be heeded, he thought such councells were most to be regarded that were held before marriage was forbidden to the Preists. And such councells favor the bill.

He said the marriage bond was broken (like as peace betweene Princes) not when the fact was committed, but when the Injured party makes his claime to the Judge, who cannot deny Justice being asked it.

Soe that the act of Adulterie does but putt the husband in the advantage to take the forfeiture, if, and when, he pleases.

The Marquess of Northampton's case hath beene said to justify a thinge done, but it is also plain that that act hath a Prospect legitimatinge the children to be borne after the divorce and that is the same case as the present one is.

That Parliament and age were for this opinion because in that law they call the 2nd wife that VERTUOUS lady which could not be if the bond stood.

The Inconveniences are cured when it shall be restrained to the reliefe by Particular bill in a Parliament and noe generall law made in the case.

And it is an act of Grace, which noe other person can challenge *ex debito jure*. Favor is free.

It may prevent the growinge of the forreigne practise of poysoninge and killinge wives.

LORD LUCAS. Alleages Inconveniences.

The same reason holds for a Generall Bill as for this which will:—

1. Encourage Adultery. A woman loves a man. She commits adultery. If her husband say nothinge, she goes on freely



in her amour, if he putt her away, then she may marry her lover or any body else, and it is but fornication, a small sinn if any.

2. It will make feuds in families when one family that is greate marryes the divorced of another.

He said the greatest part of Christendome (the Romane church) lies under this hardshipp without inconvenience and the Pope may well be beleevd in this point against his interest for if he gains by selling indulgences, to allow Indulgence in this case would raise him a vast revenue.

LORD ANDOVER. As a Catholique professed the lawes of Consanguinitye in this case were such as he held himselfe bound in conscience to hold the marriage for a nullitye. (They My Lord Ross and his Lady beinge cosen Germaines once remooved.)

LORD BRISTOW. A Catholique also. Confesses accordinge to the rules of the Romane church the marriage is null for consanguinitye. But as a member of a Protestant Parliament, and also because the matter of consanguinitye is not alledged in the bill (which is the onely ground wee can goe upon) that he would vote agt. the bill.

LORD BERKSHIRE. Mooved that the Lady Ross might have some competent provision settled by the bill for her mainetenance.

DUKE OF BUCKINGHAM. Said *Consensus facit matrimonium, ecclesia sacramentum*; out of Bellarmine. Wherefore he inferred, that those churches that have it not for a sacrament may admitt 2nd. marriage in this case.

That if this law did extend to the adulterye of the man as of the woman yet it may be there was noe inconvenience thereby but rather a better meanes to oblige men as well as weomen to live more vertuously.

LORD ASHLEY. Saies that before the Councell of Trent marriage was a civill contract and managed by the civill magistrate and in such cases it is sufficient that nothinge in Scripture can be produced to the contrary, it is not necessary to find out positive commands there, or else it would be of evill consequence to many civill lawes and constitutions.

The Councell of Antioch allowed 2nd marriage in this case and divers others 436 yeeres after Christ and till it was made a sacrament it was never taken wholly out of the hand of the civill magistrate. And the church of Rome never left this case desperate, but found place to releve many greate and noble families as there was occasion.

Linwood saies in case of either parties entering into a monasterye both are dissolved *a vinculo matrimonii*.

The takinge security of the persons not to marry implies the possibilitye and lawfullnesse thereof.

Reconciliation is impossible in this case, the nocent party havinge lived more filthily and scandalously scince the divorce then before.

And if they could reconcile yet it were to noe purpose because the last act of Parliament hath illegitimated all the children that can hereafter be begotten of the body of the Lady Ross.

LORD HALIFAX. Thinkes the church was a better judge in this matter when the Preists were unmarried. For surely the Generality of them are not to be supposed uncleane. And therefore the argument of Preventing sinn cannot weigh much, because a greate many live holily without marriage, and prayer and fastinge and a good climate are good meanes to keepe safe in that point.

He said Presidents of Parliament were not infallible, for it may be the best thinges wee have done may have beene the repeale of some acts of Parliament.

The Generall Practise hath beene against 2d. marriage and therefore the Proofs should lie on the marriage side.

He told a story of a Travelor that visitinge a monasterye and wonderinge at their strictnesse and dutye, asked them what would become of them if that they laboured after and obeyed, were not true, to whom they replied what would become of him if it were true. Which he applied what would become of us if wee should make a law against the law of God.

This bill hath already done much hurt, it hath putt by many Private bills, wherein men have wanted releefe as much as my Lord Ross can want a wife. And it is likely these cases will be more frequent hereafter and take up much of our tyme

He said he feared [? not] the Introduction of the Customes of Poisoning and stabbinge wives in this climate, but he feared the great encouragement of Perjurye, when it shall have this strong motive, viz. of beinge quit of a wife one is a weary off and the hopes of obtaininge one one loves.

The inconvenience on the one hand is that if my Lady Ross doe not dye in convenient tyme, my Lord Ross cannot marry.

But on the other hand, there is a likelihood of inconveniences, publique and eternall.

Whereas it is said Bishops [and] martyrs have beene for it. That is noe good argument for they might have done ill before that, as it was notorious Cranmer who once recanted, before he was burnt.

LORD HOLLIS. Said he thought this case had beene releivable in the Spirituall Courts and that the Lord Ross might have married againe without need of a law ; but scince it is made plaine that that cannot be, he confessed he was for the bill.

Touching God's law he said he walked by 2 rules.

1. That all texts of Scripture were of Equall authoritye and therefore one scripture in a case is as authentique, as never soe many, and a rule of our faith.

2. Whatever is more full in one place and scant in another, the full place must explaine the scant and more concise.

Which 2 rules he applied to the Scriptures of Matt. 5 and 19 and the other Scriptures alledged.

Whereby the way he explained the scense of " From the beginning it was not soe " to be meant of the State before the fall.

In Marke and Luke the exeption in Matt. must be understood or they are not true, for then divorce were not lawfull for any cause, whereas it is plaine it is lawfull for one viz. adultery.

To prohibite the innocent person from marriage again he said he held as unlawfull as the Celibate vow, wee beinge all subject to that Iron law, of (who can take it) and he said he doubted whether prayer and fastinge were sufficient to compasse it.

We have a penall statute for a man that shall marry 2 wives

and there are severall exeptions therefrom which shew the opinion of that parliament viz.

1. Exept those that have beene absent 7 yeares. 2. Those that are divorced by ecclesiastical censure. 3. Neerenesse of blood. 4. Precontract. 5. Within age.

Our late canons allow the innocent person *ad novas nuptias Progredi*.

BISHOP OF WINCHESTER. Denyes the rules delivered by my Lord Hollis to be sound ones.

1. For instance, one place saies that the Theeves mocked Christ when it is true of but one.

2. The same place confutes his 2d rule also, for the larger place is untrue.

3. I will add other rules, as That obscure places are to be interpreted by the plaine. Those of Matt. are obscure.

4. Places of Scripture are true in the latitude they are spoken. Therefore universall and Generall places as Every-one etc. give law to the others that are more particular.

5. Places of Scripture are true accordinge to the occasion, *distingue tempora*; It was true that 2d marriage was lawfull under the Mosaicall Policy; but not true after Christ had destroyed that.

In the 5th of Matt. Christ interprets law and does not play the part of a lawgiver. Noe new precept is there delivered but such as can be shewen out of Moses doctrine before, and this is not to lessen our Saviour and make him Moses his vicar; but it is to make the word of God the Interpreter of the mind of God and who more fitt, or with office more honorable.

The essence of marriage does not lie in the condition nor are the words of the liturgy alwaies necessary; I John, take thee Joan, is enough.

It is an argument of the falsenesse of any doctrine to find that the practise of it tends to confusion, and such would be the consequence of such an universall practise as this bill is.

And it is a greate argument of the truth of the Scriptures that poore fishermen should deliver such doctrine which if it were practised would putt the whole world at peace.

BISHOP OF CHESTER. Divorce for Adultery amonge the Jewes had 3 severall trialls and 3 distinct punishments.

1. Prooved by 2 witnesses.	}	Punishment, Death.
2. The husband was jealous of it.		„ The water of Jealousye.
3. The husbands personall knowledge of it.		„ A bill of Divorce-ment.

Turpitude in Deut. 24, is not meant of Adultery only but of such nakednesse as wee would cover from the sight of man. Dishonor. Immodesty. A woman goinge unveiled or bare breasted.

In the place of Marke and Luke the exeption of Matt. 19 might as well be understood as the exeptions belonginge to the morall lawes. viz. Thou shall not kill. Yet it is done for ones owne defence or by command of the Magistrate etc.

Restrained places must not be interpreted by Generall places of Scripture, for then all exeptions in restrained places signifies nothinge.

It was urged that in Doubtfull cases one should vote the safest way.

And it was replied unto that those which doubted should rather withdraw and not vote at all.

At length my Lord Anglesey offered a proviso to allow the Lady Ross £400 a yeare for mainetenance but because the bill had beene 3 tymes read, it was against rule to admitt it, but he and my Lord Ashley and my Lord of Rutland undertooke the substance of the Provisoe should be made good to her.

And then the Question Beinge putt upon the whole Bill it past in the affirmative.

The Contents were	42	} Proxies were not called upon.
The not contents	35	

Thursday followinge upon a Greate Debate which held untill 10 a clocke at night in the House of Commons, the Bill for my Lord Ross past without any amendment.

The question for bringing in Candles was carried [by] but one voice, but after that the main question by seven voices.

Sir Wm Coventry, Sir Ph. Warwick and the Clarendonians were the greates opposers, and all the Dukes party who upon loss of the first question many of them in passion deserted the house.<sup>1</sup> (*Sandwich MSS. Journal*, vol. x., ff. 235-258.)

## APPENDIX J

### THE DISPUTE BETWEEN THE HOUSES

*Satterday, Aprill 22, 1671.*—In the Afternoone the Kinge in person in the house of Peeres passed such bills as were ready for the Royall assent and Prorogued the Parliament untill the 16th of Aprill to come, *anno Dom. 1672.*<sup>2</sup>

This prorogation was hastened by a difference that fell out betweene the 2 houses about a bill for forreigne excise, the circumstances are well worth notice and are as followeth, viz:—

The House of Commons for an additionall supply to the King's occasions framed a bill of excise upon forreigne commodities, whereoff sugars of our plantations, and tobacco and silkes imported etc. were imposed upon. When the bill came up to the house of Peeres, many of the subjects petitioned and complained to the Lds. of greate damage to the Trade of the Kingdome and to the plantations by the said imposition and were heard at a Committee. The Committee voted ease to the Tobacco and to white sugars of our owne plantations as also to those of Portugall. But the house of Peeres did not agree as to the Tobacco, but did agree to the abatement of the white sugars aforesaid and having amended the bill accordingly they delivered it to the house of Commons at a Conference with the reasons which mooved their Lordships to make the alterations.

The H. of Com. speedily voted their owne priviledge touchinge grantinge of money and all the Stepps belonging thereunto and negatively as to the Lds. that they could not alter any thinge of a subsidie granted by the Commons;

<sup>1</sup> On page 290 Sandwich has a further note about the King's presence in the Lords, "to continue a practice he began last Session in my Lord Ross his cause; that it might not seeme to have beene taken up out of partialitye."

<sup>2</sup> See *Lords' Journals*.



Neverthesse to take off a little of that hardnesse they resolved at a conference with the Peeres to make mention onely of a subsidie of Tonnage and poundage asserting theire priviledge aforesaid as that from which they could never depart and then *ex abundanti* to offer reasons to the Lds. in answer to theires, the which Conference was had and managed accordingly.

The preamble to all being the asserting that priviledge of theires and that that notion was to be taken alonge with every reason they had given.

The house of Peeres highly displeased with the assertion of the Commons, voted in the like termes there owne priviledge in abating subsidies of Tonnage and poundage and because the Commons had linked their assertion with every reason, they neglected to make answer to any other point but to that greate assertion and at a conference to give reasons and Presidents for their vote, (the Presidents were chosen and managed by the advise of the Ld. Cheife Justice Vaughan of the Common pleas). The House of Commons at another Conference adhered to their former opinion and gave reasons and Presidents in refutall of those of the Lds. Mr. Attorney Generall began the Conference and highly provoked the House of Peeres with satiricall invectives.

The house of Peeres would faine have replied at a free Conference upon the last Conference of the house of Commons but it seemes the King thought fitt to cutt short this dispute by a Prorogation, which after it was made knowne to the Lords soe that they saw there was not tyme sufficient to examine what the Commons had delivered and to refell it, were forced to save their honors in the best manner and speedily to vote the reasons given at the Conference unsatisfactory, and to appoint a Committee of their owne to prepare reasons and replies to them, which was the last thing ordered when the Kinge came into the house to prorogue the Parliament.

The Country partye in the house of Commons were of opinion with the reasons of the Lords and if the Courtiers had not beene fierce against it in the house of Commons, it is beleevd both houses had agreed and the bill not beene lost. But the Court partie in the house of Commons (being of my Lord Arlington's partie and contrary to the Duke of Buckingham who stood up highly for the priviledge of the house of

Peeres) finding this a greate advantage to render the Duke of Bucks ill with the King, to lay the blame of the losse of the bill upon him, and the Country party, finding a difference at Court, were glad to blow the Coale. Besides that magnifying the house of Commons (whom Clifford and Arlington Governes) did make those persons considerable and of greate power with the King, which if the house of Peeres had beene suffered to controle them, the Peerage would have lessened their power and interest, and Buckingham and Ashley and the nobles would have growne most in the King's esteeme.

They all agreed to breake with the Lds. in this point. And scince chardge the hindrance of it upon the House of Peeres and particular Lords there, viz. L<sup>d</sup> Buckingham, L<sup>d</sup> Ashley, L<sup>d</sup> Bp. of Rochester, L<sup>d</sup> Halifax and myselfe; and affirme the losse of that bill for 9 yeeres to import the Kinge a million of monye; Whereas it is certain the Court party in the House of Commons were the losse of it, against reason, onely for their owne designe, and very able merchants thinke the Kinge has not lost a farthinge by losse of the bill; for in Cromwell's tyme the like bill made not above £160,000 *per ann*; whereoff the wine was 80 or 90,000 [£] which now is a particular act. Oyles, and dienge Commodities were omitted in this that were in the old one. High impost, (when stealinge Custome was better than the Commerce) would have introduced much deceit; the farmers of the Customs would have had £60,000 rebate upon pretence of the bill, and besides all this the King's plantations would have beene ruined thereby.

The sugar businesse was the cheife abatement which caused this quarrell, and that beinge principally carried out by mee (though my Lord Ashley also was fully of the same mind and did a good part therin) I shall shew the manner of that proceedinge and insert all the papers that passed betweene both houses concerninge that affaire, and a discourse of my owne of the reason of it.

When the house of Commons begann to frame this bill of excise and determined to chardge the sugars of our owne plantations, the Planters were alarmed at it, and presented a petition to the Councell of Plantations, whereoff I am President, shewing their discouragement, if not ruine thereby. But wee of that Councell were cautious not to meddle with a matter

dependinge in Parliament, and therefore left the Petitioners to complaine and shew their greevances to the Parliament, which they did and all parties were heard by Committees. The House of Commons were hard to the planters both in the generall impost, but more especially in the proportion sett upon Browne sugars and white, wherein it is said there was partiality to the Refiners (for that there were 8 or 10 refiners of sugar members of the House of Commons; and it is moreover talked that the refiners had given greates bribes).

When the Bill came up to the house of Lds. because my place as Presdt. of the Councell of Plantations and the application made there by the planters; seemed to call mee to the Study and canvassing of that matter, I inclined to apply my selfe thereunto, but before I tooke one stepp I went to the King, because his Majestie's revenue was concerned in the case, to Know his pleasure whether I should meddle in it or noe? The King was graciously pleased to expresse to mee his concernment that the plantations should not be prejudiced, and his trust in my fidelity, and gave mee to exercise my owne understandinge about it for his service; whereupon I francly entered into all the considerations and debates about it and managed it at the Committees and in the house of Peeres.

And the issue fell onely upon that one point of the proportion betweene white and Browne sugar.

This I was active in accordinge to the best of my understanding, but as to the greates point whether the Lords should make any abatement or noe to the bill sent up, I never had a thought exercised thereupon; and if the King or my Lord Arlington had forbidden mee to meddle therein, I should never have mentioned the particular of the sugar, but if any alteration was made in the bill, then that there was reason also to alter that of sugar I thought; I went with full sayle accordinge to my Master's service and the leave he had given mee.

The Committee of the Lords (whereoff I was one) after a full hearinge of all parties, resolvinge upon the abatement, ordered mee to presente a paper I had drawne to the house of peeres, as the reasons of their opinion the which I did and the house of Lords approved thereof, and ordered it to be de-

livered the house of Commons at the first Conference, which was done (by mee also, beinge made one of the Managers) and the very originall paper of my owne hand-writing is here pasted in.<sup>1</sup> (*Sandwich MSS. Journal*, vol. x., ff. 352-360.)

## APPENDIX K

### SANDWICH'S COMMENTS UPON NEW ENGLAND

*July 2, 1671.*—Upon all the informations I have gotten of New England I make up in my owne opinion the result followinge:—

That they are att present a numerous and thrivinge people and in 20 yeares more are likely (if civill warrs or other accidents prevent them not) to be mighty rich and powerfull and not at all carefull of theire dependance upon old England. Whence wee are to feare the inconveniences followinge.

1. The want of vending our owne manufactures, now carried thither (possibly to the value of £50,000 per ann). And moreover theire servinge the Streights and other parts of the world with cloth and the commodities wee serve them with and soe our markets abroad will be spoiled both in prise and quantity of vent.

2. The Dependance of our Islands of the Caribees and Jamaica upon them. For New England serves them with provisions and all wooden utensills, much cheaper then any others can. And in likely hood will serve them all other manufactures that wee doe. And consequently reape the whole benefitt of those colonies.

3. They will be masters of the Trade of masts, pitch and tarr and other beneficiall commodities in Pascatoway river and all the northerne colonies.

I conceive it impossible to prevent wholly theire encrease and arrivall at this power, neverthesse I thinke it were advisable to hinder theire growth as much as can be, in order whereunto I can find but 2 meanes, viz:—

<sup>1</sup> The paper is printed in the *Lords' Journals*, April 12.

1. A law in Parliament against Transportinge English families or persons to any plantations without license of the King. At present 40 or 50 families or more goinge yearely thither.

2. To remoove as many people from New England to our southern plantations as may be, where the produce of their labours will not be commodities of the same nature with old England to out-trade us withall.

Our principall care then must be to regulate this people and gett as much hand in their government as wee can, to enable us to keepe off prejudice from us as long as wee can.

I take the way of roughnesse and peremptory orders, with force to backe them, to be utterly unadviseable. For they are already too strong to be compelled. They have 50,000 trained bands well armed and disciplined. They have shippes of 300 Tonns burdens and above 20 Gunns and can build halfe a dozen men of warr yearely (if they will) and though I apprehend them yett not at that point to cast us off voluntarily and of choise; yett I beleeve if wee use severity towards them in their Government civill or religious, that they will (being made desperate) sett up for themselves and reject us. (I confesse as yet informed I doe not in the least apprehend their need of, or disposition to admitt the protection of any other Nation either French or Dutch, but if any the French rather of the 2, for the likelihood of better usage and power already in America.)

The onely way that occurs to mee for the King my Master to have power amongst them is by Policye and faire meanes to prevent the growing power of the Massachussett Colonye.

1. One meanes whereoff will be to confine and retrench those unlimited bounds they have sett unto themselves by the extravagant interpretation of words in their pattent whereby they fetch in all the country to the Norwards as farr as Nova Scotia, and cutt off new Albany from the Duke of Yorke's country to the Southward.

2. Another meanes by preservinge and encouraging the other Colonies in power and greatnesse, to keepe up a divided Interest, in order whereunto the difference betweene the Colonies of Rhode Island and Connecticutt about bounds neere



Pequit river, is to be adjudged to the advantage of Rhode Island who else will not be able to subsist as a Colonie wanting land upon the maine land, upon which to discharge themselves of the numerous people they breed every yeare, and consequently be lesse able to resist falling under the power and Government of the Massachusett Colonie.

Also in order to this head, I wish Mason's Patent, Gorges' Patent, and the Duke of Yorke's at Kinnebeg were united in the Kinge as Proprietor and made a distinct Government under a sole Governor, or else Commissioners some (or one) from hence and another or more that have Interest upon the place, and all these of qualifications by noe meanes greevous to the Inhabitants.

Besides the politique end of this new Government I verily beleeeve by a prudent management the Kinge might herebye benefitt himselfe above £10000 a yeare in masts and tymber for his Navy; and moreover there is in this province essayes of Oare out of mines that 17 oz Thereoff yeilds 4 oz of lead and 1 oz of silver. There may in tyme also be raised some revenue out of vacant grounds and woods and the ground rent of saw mills, whereoff there be 40 in Pascatoway river and divers in the river of Saco and in other streames, and some duty might hereafter be raised also out of the fishing trade (the principall or sole management whereoff is on the Coasts of this new Province).

This project I verily beleeeve the Massachusett Colonie would not oppose; for the matter of boundaries is soe equitable and just to be decided by the King, their Sovereigne and Superior, and not fitt nor indeed possible to be settled by equalls without warr betweene themselves (which they are almost ripe for). And if the Massachusett were displeased, yet the others would disgust them for it and be the more tractable to the King's commands. Butt by all I have heard of New England they agree that the King's authority in this would be obeyed and that they are not ripe to oppose the King's pleasure in a matter of this nature onely. It is true that formerly they did oppose the proceedings of the Kings Commissioners, but it must be considered:—

1. That the persons and qualifications of those Commissioners (though very worthy and able and faithfull servants



of his Majesty) yet were diametrically opposite to the Temper of that people.

2. Their principall point of difference was, the Introducinge of a new Court of Appeales in all Causes, and the Case of a shipp in issue wherein divers of the principal Governors of the Countrey were concerned, and the pretence of thereby losing their Privilege, by grant, to determine all civill causes within their Colonie.

3. That the Province of Mayn was pretended to by Mr. Gorges, a Particular man, of noe greate substance, credit or contrivance to make considerable opposition, (which is a principall reason why I insist upon the necessity of having the Kinge Proprietor thereof).

My opinion therefore is that 2 Commissioners should be sent hence to joyne with 2 more chosen out of New England with power onely to settle the matter of Boundaries and to have private directions to doe in the manner abovesaid. Other private directions they might have to guide their deportment for the King's service in the matter of religion and admission of persons to the freedome of the Countrey, but cheifly to enforme themselves well of the nature of affaires there and advise what were most fitt to be done, which would be a better ground to proceed upon (perhapps) then any thing wee have now before us.

They should be directed also to preserve the observance of the Act of Navigation there.

To introduce a Government of the King's into Rode Island.

To encourage the Connecticut Colonie in their good affection and obedience and power.

The Qualifications of these Commissioners to be:—

1. Fidelitye to the ends and designe whereupon they are sent.

2. Prudence and sobrietye, such as may be of esteeme in that countrey and by noe meanes averse to them.

These Commissioners to be sent to Boston for residence.

A Government or other Commissioners to be sent to Govern the province of Mayn, Mason's patent, and Kinnebeg.

I am also of opinion that the case of New England admitts of noe delay or Temporizing without applieng this kind of remedie, for they encrease fast every yeare both in people,

Trade, riches, and multitude of shipps, and will be the apter to disobey. Moreover they are now in Possession of those northern Countreyes which wee designe to separate from them, and they are encroachinge upon Rode Island and the other Colonyes and in fine I feare in few yeares, if some prevention be not applied, the Massachusetts Colonye will have mastered all the rest and then all our policye will come too late to gett a footing in such a powerfull Commonwealth or Monarchy as possibly that may be formed into. (*Sandwich MSS. Journal*, vol. x., ff. 430-438.)

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\* \* In the Index the English proper names have cross references wherever necessary, but will mostly be found under the name by which the man is generally known.

\* \* The proper names of foreigners are given under the most general forms.

\* \* References to the footnotes are only given when they contain information which does not appear in the text.

\* \* Names in the Appendices are not indexed, since most of them occur only in division lists.

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